



Appeal Decision

Site visit made on 29 January 2025

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th February 2025

Appeal Ref: APP/J2373/W/24/3348065

465 Promenade, Blackpool FY4 1AR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Stuart O'Neill against the decision of Blackpool Council.
 - The application Ref is 23/0304.
 - The development proposed is erection of outside bar and 8 enclosed seating areas/pods.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Subsequent to the Council issuing its decision the revised National Planning Policy Framework (the Framework) was published on 12 December 2024. The amendments to the Framework do not affect the matters that are in dispute in the determination of this appeal. Therefore, in this instance, it has not been necessary to consult the main parties on the amendments to the Framework.
3. Whilst not included within the description of development the submitted plans show a proposed catering unit, decking, a stage area and a windbreaker above the boundary wall. Furthermore, at the time of my site visit I noted that part of the appeal proposal had been implemented and these works were not entirely consistent with the proposed plans. Nevertheless, I have determined the appeal based on the details shown within the submitted plans.

Main Issues

4. The main issues are the effect of the proposal on:
 - the character and appearance of the area; and
 - the amenity of neighbouring occupiers with particular regard to noise and disturbance.

Reasons

Character and appearance

5. The appeal relates to the forecourt area of a three-storey hotel which occupies a prominent corner location at the junction of the Promenade and Rawcliffe Street. This section of the Promenade consists of a linear strip of commercial uses including hotels, drinking establishments and restaurants, in keeping with the

visitor destination within which the appeal site is located. The main buildings within this linear strip are set back from the Promenade highway and sea frontage by front forecourt areas, and I observed several seating areas, smaller structures and kiosks within a number of these forecourts.

6. The proposal seeks to erect an outside bar with eight enclosed seating pods within the front forecourt area, and as detailed above the submitted plans also include the provision of a catering unit, decking, and a stage area.
7. The amount, size, scale, and siting of the proposed timber constructed bar and seating pods, as well as the catering unit, would result in significant visual clutter within the forecourt, causing visual harm to the character and appearance of the hotel building, this forecourt and the wider area in general. Furthermore, these items would be visually prominent features which would dominate and obstruct public views along the seafront from the busy Promenade, and on approach from Rawcliffe Street.
8. When looking north along the Promenade the prominence of these structures would be exacerbated by the largely open characteristics of the forecourt serving the hotel to the south, on the opposite side of Rawcliffe Street. In coming to this view, I note that the forecourt of this hotel to the south is used for the parking of vehicles, however these vehicles are transient and therefore when they are not parked in this neighbouring forecourt longer distance views would be provided towards the appeal site from this direction.
9. Additionally, the visual harm when viewed from the south would only be exacerbated by the proposed siting of four seating pods along the side boundary shared with the highway of Rawcliffe Street, with these proposed pods set close to the back of the footway on this prominent corner plot.
10. At present the view of the proposed structures when looking south from land to the north of the appeal site would be obscured by a single-storey front extension that has been erected at the adjoining property, as well as by a detached kiosk to the front of another nearby property. Whilst my attention has been drawn to this neighbouring single-storey front extension not currently benefiting from planning permission, and that an enforcement notice has been served, I have limited information before me as to what the outcome of this enforcement action may be.
11. Nevertheless, even if the existing neighbouring development to the north was to be retained, this would not overcome the above-mentioned visual harm arising from the bar, seating pods and catering unit when viewed from the area of the Promenade directly to the front of the appeal site, from views to the south and from Rawcliffe Street.
12. I am aware of other premises along the Promenade which have outside seating areas, and I have taken into account their contribution to the character of the area. However, they generally consisted of low-lying furniture and an occasional canopy. The appeal proposal seeks to install larger and more substantial timber structures which have a more solid and enclosed appearance. I therefore find the proposed items of furniture to be erected at the appeal site are not directly comparable to other outside seating areas I observed within the vicinity.
13. Furthermore, whilst I acknowledge that three piers along the Promenade have timber decking and wooden concession stalls, the use of wood within the forecourt

areas along the Promenade was not common and where it is used it is largely limited to relatively low-lying benches and tables. The use of timber on the proposed bar and pods within the forecourt of the appeal site would be significantly more visually intrusive than these neighbouring benches and tables. This introduction of a substantial amount of larger timber structures therefore only adds to the overall visual harm arising from the appeal scheme. The appellant's suggested condition in respect of a requirement to re-varnish the timber each year would not overcome this concern.

14. I understand the Council's concern in respect of avoiding piecemeal development on the forecourts of commercial buildings along the Promenade, as per criterion 2 of Policy DM10 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies (2023) (LPP2). Nonetheless, my attention has not been drawn to any definition of piecemeal development within this policy and therefore this is a matter of planning judgement.
15. Furthermore, I observed that piecemeal development has already taken place within the frontages along this linear Promenade and the Council has not referred to any wider policy or guidance as to how these individually owned frontages would be developed in a cohesive manner in order to prevent further piecemeal development coming forward.
16. Notwithstanding the above however, the supporting text within Policy DM10 clearly sets out the Council's aspirations to raise the quality of the built environment to improve all aspects of the visitor offer and experience on the Promenade, and to that effect criterion 1 (b) of this policy seeks to improve and enhance buildings and frontages. For the reasons given earlier, the appeal proposal would cause visual harm to the frontage in this location and thus I find conflict with this policy.
17. In view of all the above, I conclude that the appeal proposal would cause harm to the character and appearance of the area and therefore conflicts with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy (2016) (LPP1) and Policies DM10 and DM17 of the LPP2. These policies together seek to ensure, among other things, that new development is well designed; enhances the character and appearance of the area by way of scale, height, layout, appearance and materials; improves and enhances buildings and frontages; and that particular attention is paid to the design of new buildings that would be highly visible due to the prominence of the location. The proposal is also contrary to Policy DM19 of the LPP2, where it states that development should protect and enhance views of features of strategic importance, including the seafront.
18. The Council's reason for refusal includes LPP1 Policy CS1. This policy refers to the strategic location of development and does not specifically relate to character and appearance. It is therefore not determinative in relation to this main issue.

Noise

19. The second reason for refusal on the decision notice refers to disturbance arising from the proposed outdoor stage on surrounding premises and their guests. The appellant's submission however states that they would be willing to accept a condition preventing the stage from being constructed, or that the proposed development be amended to remove the stage.

20. Additionally, the Council's submission refers to any allowed appeal including a condition preventing live, recorded and amplified music, or any events and sports from being broadcast, within the forecourt. The appellant suggests that they have no objection to such a condition. Consequently, had I been minded to allow this appeal, such a condition could have been imposed to overcome this issue.
21. With regard to general noise and disturbance associated with the outside bar and seating pods, the appellant contends that the front forecourt area forms part of the planning unit for the hotel. The appellant therefore asserts that planning permission is not required to use this forecourt as an outdoor seating area for drinking associated with the hotel use of the property, with moveable seating. To support their claim the appellant has referred to an enforcement appeal¹ at a different site and the subsequent issuing of a Lawful Development Certificate².
22. I have very limited information before me in respect of this referenced enforcement appeal, and the issuing of a Lawful Development Certificate is based on the evidence that is presented / submitted in respect of that specific case.
23. Nevertheless, I have not been presented with any evidence from the Council that the use of the forecourt area for outside drinking associated with the existing hotel use of the main building is unauthorised. Moreover, the Council's reason for refusal relates specifically to unacceptable disturbance resulting from the outdoor stage and as detailed above this matter could be addressed by a suitably worded planning condition.
24. Consequently, based on the evidence that is before me and subject to the suggested condition preventing music and events from being broadcast within the forecourt area, I conclude that the proposal would not have a harmful impact on the amenity of neighbouring occupiers and guests by way of noise and disturbance. I therefore find no conflict with Policy DM36 of the LPP2 where it requires new development to demonstrate that it will be compatible with adjacent uses and not lead to unacceptable adverse effects on the amenity of surrounding uses and occupants with reference to noise and nuisance.

Planning Balance

25. I have had due regard to the economic benefits the proposal would bring to the existing hotel business, as well as the potential for increased employment opportunities. I also note the appellant's comment that the proposed seating pods are essential to allow customers to sit outside when the weather may be less inclement. Nevertheless, when taken together, I find the benefits do not outweigh the harm I have identified that the proposal would have upon the character and appearance of the area.

Conclusion

26. I conclude that subject to the imposition of a suitably worded planning condition the appeal proposal would not have a harmful impact upon the amenity of neighbouring occupiers and guests. However, for the reasons given, I have concluded that the proposal would harm the character and appearance of the area.

¹ APP/J2373/C/24/3336313

² LPA Ref: 24/0337

27. The proposal therefore conflicts with the development plan taken as a whole and there are no material considerations, including the Framework, to suggest the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, the appeal is dismissed.

R Major

INSPECTOR