



Appeal Decision

Site visit made on 25 March 2025

by **P Eggleton BSc(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 April 2025

Appeal Ref: APP/M4320/W/24/3356240

1 Harris Drive, Bootle L20 6LD

- 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 Michael Parkes on behalf of The Feathers Group NW Ltd against the decision of Sefton Council.
 - The application reference is DC/2024/01248.
 - The development proposed is an outside seating area with bollards and barrier system.
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Decision

1. The appeal is allowed and planning permission is granted for an outside seating area with bollards and barrier system at 1 Harris Drive, Bootle in accordance with the terms of the application, reference DC/2024/01248, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1865/5, 1865 /03, 1885/04, 1886/01 and 1886/02
 - 3) The outdoor seating plan shall be carried out in accordance with the Proposed Site Plan reference 1865/03.
 - 4) The outdoor seating area shall only be used between the hours of 09:00 and 21:00. The seating shall be removed when not in use.
 - 5) No live music, amplified music or live entertainment shall take place in the outside seating area.

Main Issue

2. The main issue is the effect on the living conditions of nearby residents with regard to noise and disturbance.

Reasons

3. The proposal would result in the provision of tables and chairs outside this existing bar. The area would be contained within a screened area that would not extend along the side of the building so maintaining a separation area with the boundary of the neighbouring residential property. The council's report suggests that the use of this area would need to be limited to 9pm at night and the appellant has advised that the opening hours for the outside area would be between 9am and 9pm. It has

also been confirmed that no amplified or live entertainment would take place within the outdoor seating area. The council officer recommended conditions to control these matters. The council's concern, as set out in the minutes of the committee meeting, refer to the impact on neighbouring residents and this is repeated in the reason for refusal without specifying particular residential properties.

4. The nearest residential property is 217 Hawthorne Road (described by both parties as number 21). The nearest habitable room window appears to be a first floor bedroom. The seating area would extend only marginally forward of the frontage of this property and the nearest seating appears to be in the region of 9 metres away. Noise travelling to the front door and ground floor windows of the house would be screened to some extent by the high side boundary wall. There is the potential for noise to travel towards the upper window but given the distance, the angle of the window and the noise that exists due to the presence of the road, I am not persuaded that this would be unacceptably harmful, particularly if it would not continue beyond 9pm. Noise associated with comings and goings from the bar would remain as they are now as the bar is generally open until 10pm; and 11pm on Friday and Saturday.
5. The properties opposite beyond Hawthorne Road, are set well back from the road. The road is an A road and in the immediate vicinity has three traffic lanes and a separate pedestrian island. Similarly, the properties opposite beyond Harris Drive, although slightly closer, are also set well back from the road. The council describes that they are 30 metres away, beyond both the road, its wide pedestrian areas and their front gardens. There is also a large social club in close proximity which is open beyond the closing time of the appeal property and would be likely to generate some noise as a result of patrons coming and going. Overall, no evidence has been presented that would suggest that noise up until 9pm from this seating area would have a material impact on the living conditions of the residents mentioned above, particularly given the distances involved and the existing noise environment.
6. I conclude that subject to conditions, the proposal would not result in unacceptable harm to the living conditions of any nearby residents. This view is supported by the council's Environmental Health Manager; and also the lack of concerns raised locally. The proposal would not therefore conflict with the amenity requirements of policies HC3(2)(a) or EQ10(1)(a) of the Sefton Local Plan 2017; or the provisions of the National Planning Policy Framework 2024. As there are no matters that weigh significantly against the proposal, I allow the appeal.
7. I have imposed conditions relating to the commencement of development and the details of the approved plans for the avoidance of doubt and in the interests of proper planning. I have also imposed the suggested conditions limiting the outside seating area, restricting its late night use and preventing live entertainment or amplified music.

Peter Eggleton

INSPECTOR