

Appeal Decision

Site visit made on 18 August 2025

by John Whalley

an Inspector appointed by the Secretary of State

Decision date: 1st September 2025

Appeal ref: APP/J2373/C/24/3350901
6A Dean Street, Blackpool FY4 1AU

- The appeal is made by Mr Mohamed Ahmed Ragab Ahmed Badwy under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against an enforcement notice issued by Blackpool Borough Council.
- The breach of planning control was: Without planning permission, the increase in the footprint of the property, the installation of a new shop-front and an increase in roof height.
- The requirements of the notice are:
 - The increased extension of the footprint to be removed and the property reverted back to its previous footprint;
 - Roof height to be reduced to the previous height;
 - Shop-front to be removed and returned to existing shop front.
- The period for compliance with the requirements is three months.
- The appeal was made on grounds (a), (b), (c), (f) and (g) – s.174(2) of the Act.

Summary of decision: The enforcement notice is quashed. Planning permission is granted to retain the new and extended shop front.

Appeal property

1. No. 6A Dean Street Blackpool is a single storey end of terrace property on the corner of the junction of Dean Street and Montague Street. Formerly a fish and chip shop restaurant, it has been renamed “Catch”. The restaurant building has recently been extensively reconstructed and extended outwards along the Dean Street frontage. The entirely glazed new façade now aligns with that of the single storey front extension of the adjoining Seaview Hotel, having previously aligned with its 2 storey façade.
2. A large deep sign has been erected on a raised board along the top outer edge of the roof of the rebuilt appeal building, extending the length of the frontages to Dean Street and Montague Street.

The appeal on ground (b)

3. An appeal on ground (b) asserts that the matters alleged in the enforcement notice have not occurred. The Appellant, Mr Badwy, said the rebuilt restaurant roof was no higher than before. Photographs of the original structure showed the original roof at the same height.
4. The “Catch” sign was an advertisement fixed along and above the top edge of the roof. The sign did not constitute the raising of the roof.

5. The Council referred to site visits carried out whilst extension and reconstruction works to the appeal building were under way. A visit on 5 March 2024 noted that “Works had progressed significantly with a whole new roof with increased height due to the installation of a timber frame.”.
6. I consider the details supplied of the old and new roofing not clear enough to determine whether the new roof is significantly higher than before. Where the new roof joins the gable wall next door, and when seen against its drainage piping, the new roof height appeared to me to be at much the same level as the angled top edge of the eaves that displayed the earlier blue and white “Fish and Chips” sign. I could not be sure if the angled top edge of the old sign was higher than the flat roof of the building.
7. I consider that little turns upon any conclusion on the alleged height increase of the restaurant building in respect of the ground (b) appeal as there is no dispute that the reconstructed restaurant building with its new works and extended shop front is also larger, extending over part of the forecourt area on the Dean Street frontage. It cannot be said the works have not, as a matter of fact, occurred.
8. The structure carrying the advertisement sign for the restaurant is considerably higher than the edge of the flat roof. This structure supports the advertisement and appears to serve no other purpose. It looks to form no part of the roof structure. The problem I have in dealing with this aspect of the reconstruction and extension of the shop premises is that there is no mention of the advertisement in the enforcement notice’s allegation of the breach of planning control. Particularly as the boarding supporting the restaurant advertisement looked to be separate to and not part of the integrity of the reconstructed building, I cannot add the erection of the advertisement to the allegation of the breach of planning control, nor consider the applicability of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 to the advertisement sign and its supports.
9. The appeal on ground (b) cannot succeed in respect of the increase in the footprint of the property or the installation of the new shop-front.

The appeal on ground (c)

10. An appeal on ground (c) asserts that those matters alleged in the enforcement notice do not constitute a breach of planning control.
11. The Appellant’s ground (c) appeal accepted that whilst a new shop front had been fitted and the building extended to incorporate some of the forecourt area to the Dean Street frontage, the fascia and illuminated fascia sign potentially could be regarded as benefitting from deemed consent under Class 4 of the Advertisement Regulations.
12. As noted above, however, there is no mention of the advertisement in the enforcement notice’s allegation of the breach of planning control.
13. The work to build the new shop front and to construct its extension was substantial, amounting to building operations that required planning permission, (s.55(1) of the Act), their extent being clearly in excess of works for the maintenance, improvement or the alteration of the building that might not have required planning permission, (s.55(2)(a)(ii)). The appeal on ground (c) must fail.

The appeal made on ground (a).

14. The appeal on ground (a) says that planning permission should to be granted for the matters set out in the enforcement notice.
15. The Council said the alterations to the appeal building had an unacceptable impact on the appearance and character of the property and the street-scene. The front

extension projected significantly beyond the original building line. It represented an obtrusive feature on a prominent corner. The design of the frontage and the materials used were inconsistent with the established character of the street-scene. That had resulted in the removal of existing brick stall-risers which had given the structure a more permanent appearance. The result was in conflict with policies CS7, DM17, DM20 and DM22 of the Blackpool Local Plan 2012-2027.

16. Local Plan policy CS7 seeks high-quality, well-designed developments that contribute positively to the character and appearance of the built environment. That exhortation is explained in more detail in policy DM17 Design Principles. Guidance on extensions and alterations to buildings is provided in policy DM20; more detail guidance on shopfronts is provided in policy DM22. It is against that policy that the acceptability of the appearance of the replacement and extended building is assessed.
17. In my view, whilst the design of the almost entirely glazed appeal building is capable of improvement, for instance, by having brick stall-risers to break up the glazed panels as perhaps suggested by the Council, the resulting building is an acceptable addition to the immediate street scene. It is certainly an improvement upon the earlier structure, especially in having replaced the somewhat grim elevation to Montague Street with its dominant flue disfiguring its unattractive façade. I also consider that the extension to the Dean Street side, taking up part of the outside seating area, has not caused any significant harm to the appearance of that part of the Dean Street scene. The extended appeal building front to Dean Street reasonably matches that of the single storey outshoot of the Seaview Hotel next door to the east.
18. The view to Montague Street and the approach to the extended restaurant from the Promenade A584 or from the Viking Hotel car park has not, in my opinion, been unacceptably harmed by the reconstruction of the appeal building. My conclusion to allow the appeal on ground (a) and grant planning permission to retain the works to the appeal building affirms my view that they adequately meet the guidance on design set out in policies CS7, DM17, DM20 and DM22 of the Blackpool Local Plan 2012-2027. In determining that planning permission should be granted to retain the reconstructed appeal building, I also note the absence of local complaint. Indeed, there was strong support from a nearby small hotel owner.
19. I have considered the Council's suggestions on conditions in relation to highway matters about the delineation of the highway boundary and use of the reduced sitting out area to the restaurant. However, particularly as there is no change of use of the appeal premises, conditions relating to the use of the private and highway areas are unwarranted. The appeal on ground (a) succeeds. The appeal made on grounds (f) and (g) is not engaged.

FORMAL DECISION

20. The enforcement notice is quashed. Planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended), to retain the increase in the footprint of shop building, the installation of a new shop-front and an increase in roof height, as constructed, of the restaurant building at No. 6A Dean Street, Blackpool FY4 1AU.

John Whalley

INSPECTOR