
Appeal Decisions

Site visit made on 27 July 2021

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 September 2021

Appeal A: APP/V2723/W/21/3267333

Station House, Rimington Avenue, Richmond DL10 4LE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Whaley against the decision of Richmondshire District Council.
 - The application Ref 19/00867/FULL, dated 13 December 2019, was refused by notice dated 14 August 2020.
 - The development proposed is the erection of a new dwelling, garage and store building within the garden of an existing dwelling.
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Appeal B: APP/V2723/W/21/3273046

Station House, Rimington Avenue, Richmond DL10 4LE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr & Mrs Whaley against Richmondshire District Council.
 - The application Ref 21/00009/FULL, is dated 31 December 2020.
 - The development proposed is construction of a single dwelling within existing residential curtilage of Station House.
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Decision

1. **Appeal A** is dismissed.
2. **Appeal B** is dismissed and planning permission for the construction of a single dwelling within existing residential curtilage of Station House is refused.

Application for costs

3. An application for costs was made by Mr & Mrs Whaley against Richmondshire District Council with regard to **Appeal B** only. This application is the subject of a separate Decision.

Preliminary Matters

Appeals A and B

4. The site is in a conservation area and affects listed buildings. I am mindful of my statutory duties under sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. I have considered the appeal accordingly.

5. A revised National Planning Policy Framework (the Framework) was published on 20 July 2021. I have given the main parties the opportunity to comment on this and have based my decision on the revised Framework.

Appeal A

6. The Council's decision was based on revised drawings which were submitted during the application. The Council has confirmed that a full re-consultation exercise was undertaken upon receipt of the revised drawings. I have therefore based my decision on those revised drawings¹ and am satisfied that no party would be prejudiced by my having done so.

Appeal B

7. The appellant has submitted a revised version of Proposed Site Sections 3 drawing, reference EVO 680/09B, with the appeal, which was not before the Council during the course of the application. The version submitted during the application was drawing number EVO 680/09A. The appellant has advised that the amendment relates to a correction to a minor error on Section M-M. The Council has been given the opportunity to comment on the revised version of the drawing and I have had regard to it in my consideration of the appeal.

Main Issues

8. The main issues in **Appeal A** and **Appeal B** are the effects of the proposed development on:
- the setting of the grade II listed building, Station House;
 - the settings of other listed buildings nearby;
 - the character and appearance of the area including whether it would preserve or enhance the character or appearance of the Richmond Conservation Area (the RCA).

Reasons

Settings of nearby listed buildings and significance of the RCA

9. Appeal A and Appeal B both relate to part of the garden of Station House, a grade II listed house which was historically the residence of the station master of Richmond Station. The site is within the RCA.
10. There are several other listed buildings in the vicinity which were part of the complex of buildings around and associated with Richmond Station, which ceased operating in the 1960s. As well as the former Richmond Station building itself² (Grade II*) and Mercury Bridge (Grade II), which was constructed to provide access to the station over the River Swale from the town, the complex of buildings includes numerous 'working' buildings and dwellings associated with the railway and station, namely the Former Engine Shed (Grade II) and Former Gas House (Grade II) to the east and south east of the Richmond

¹ For the avoidance of doubt, my decision for Appeal A is based on the following drawings: Location Plan EVO xxx/xx; Existing Site Plan EVO 624/01; Site Plan EVO 624/02F; Proposed Floor Plan EVO 624/03K; Proposed Elevations 1 + Roof Plan EVO 624/04G; Proposed Elevations 2 EVO 624/05E; Site Sectional Elevations EVO 624/06B; Garage and Store EVO 624/07E; Tree Plan EVO 624/08; Track Entrance and Retaining Wall Plan EVO 624/08A; Proposed Reduction North East Gable Elevation EVO 624/10.

² The list description for this building refers to it as "Richmond Garden and Farm Supply Centre". However, for clarity I have referred to it throughout my decision as "the Richmond Station building".

Station building respectively; Pegasus House (Grade II) to the north east; and Station Cottages (Grade II) to the south east.

11. Station House is a large, detached stone house which dates from around 1846 and was constructed at around the same time as the Richmond Station building. With its steep slate roof, tall gables and stone mullion windows, it shares a common architectural style with the Richmond Station Building and other historic buildings in the former railway complex, including with regard to its materials and detailing. Its historic and functional associations with those other buildings are thus evident and remain so, despite the presence of the intervening road, Rimington Avenue, which now runs alongside the site.
12. However, despite similarities in its architectural language and materials, it is notable that Station House was built some way apart from the Richmond Station building, from other buildings within the railway complex around the former station and from Mercury Bridge which provided access to the railway complex from the town. Furthermore, Station House is located within a large garden and laid out with its main elevation facing that garden and the river beyond, rather than towards the station buildings. A sense of separation and distinction was thus provided between Station House and the 'working' buildings within the complex, including the station itself. That sense of separation and the property's large garden, which has been retained, reflected the high status of the house relative to those other buildings and of the station master who lived there.
13. Insofar as it relates to this appeal, the special interest of Station House is drawn from its historic role as part of the former Richmond Station complex, from its layout, its large garden and its physical and historic functional relationship to the other buildings within that complex and from its architectural detailing.
14. Station House's garden contains a number of outbuildings which, due to their appearance and scale, are read as ancillary structures associated with Station House and the use and enjoyment of its large garden by its occupants. Therefore, notwithstanding the presence of those outbuildings, the scale of the property's large garden and the sense of visual and physical separation between Station House and the other buildings within the former railway complex remain, including in public views from around the Station Building, from the end of Mercury Bridge, and from Rimington Avenue in the vicinity of the site. The legibility of the former station complex and the role and status of Station House within it have thus been preserved. As part of that large garden, the appeal site contributes to the setting of Station House at present.
15. Station House and the other listed buildings within the former station complex, detailed in paragraph 10 above, are listed for their group value as well as in their own right. Insofar as it relates to this appeal, they are of historic and architectural interest individually as examples of mid-19th century railway architecture. However, their origins and histories are inextricably linked. The similarities in their architectural detailing provide a sense of cohesion and consistency to the group. The layout of the buildings and their physical and functional interrelationships as part of the former railway complex, including Mercury Bridge which was built specifically to provide access between the town and the railway, also remain legible despite subsequent changes to the use of some of the buildings and the presence of more recent infill development

around them. The authenticity and legibility of the former Richmond Station complex has thus been well preserved and the buildings have specific interest as a group as well as individually.

16. As part of Station House's garden, which contributes to the understanding of the former station master's house's relationship to, and status within, that former railway complex, the site contributes to the legibility of the former station complex as a whole, and thus to the setting of those other listed buildings within it.
17. The RCA encompasses much of the historic centre of Richmond, the former railway complex and areas of open space alongside the River Swale which provide a green corridor through the town and connect it to its wider countryside surroundings. Insofar as it relates to this appeal, the significance of the RCA is drawn from its historic buildings and the open spaces associated with them, including those within the former station complex, and from the views which are possible across the wide open spaces alongside the river between the town and its wider surroundings.
18. The former railway complex is of historic significance to the town. Its well-preserved buildings and the ongoing legibility of their historic layout and interrelationships as a group make a positive contribution to the character and appearance of the RCA. In its current form, occupied only by ancillary residential structures, the appeal site remains legible as part of the large garden of an important dwelling within that complex and contributes to its character and appearance. The site also contributes to the spacious character of the open land alongside the river and views across those open areas between the station complex and the historic town, including the keep of Richmond Castle. In its current form, read as part of the large garden of Station House, the site therefore makes a positive contribution to the character and appearance of the RCA.

Appeal A – the proposed development and its effects on the settings of the listed buildings and the character and appearance of its surroundings, including the RCA.

19. Appeal A proposes a detached, single storey house in the garden of Station House. The proposed house would be roughly to the north of Station House, set back slightly from Rimington Avenue. It would have a long, stepped, diagonal footprint in 5 sections, with 5 interlinking, staggered gable features that would step gradually back from one another. A large garage would be constructed to the west of the proposed house, with access from the track which runs downhill alongside the site's south western boundary. The garage would be dug into the site and partly underground, with its roof forming part of the garden of the proposed house. The remainder of the garden would be divided between Station House and the new dwelling.
20. The development would therefore result in the subdivision of Station House's large garden. That subdivision would be evident from the installation of physical boundary treatments as well as from the introduction of the proposed house itself, and would leave Station House with a much-reduced garden area. As a result, it would disrupt and significantly diminish the sense of space and status that large garden conveys to Station House, eroding the setting of Station House and the contribution it makes to the legibility and understanding of the former station master's house as part of the wider historic railway complex.

21. Although the proposed house would not be located immediately in front of Station House's main elevation or interrupt direct views from it towards the river beyond, it would be visible from Station House and its remaining garden. Its massing would be broken up to some degree by its staggered roofline. Nevertheless, it would still have a substantial volume which would significantly erode the sense of space around Station House and would be read as a separate entity from it, in contrast to the smaller ancillary outbuildings which currently occupy the site.
22. The house would be visible alongside and against the backdrop of Station House from parts of Rimington Avenue in the vicinity of the site, even though it would be built at a lower level than the road. Its erosive effects on the spacious setting of Station House would thus be evident from public vantage points as well as from within the site itself. In views along Rimington Avenue from the south east, the house's very wide side elevation would be visible projecting to the side of Station House. It would therefore also erode the visual gap and sense of separation between Station House and the Richmond Station building and the edge of Mercury Bridge, which is provided by the existing garden despite the presence of ancillary residential outbuildings at present.
23. Although the proposed house would replace existing domestic outbuildings, it would result in the introduction of its own domestic paraphernalia onto the site such as outdoor furniture, washing lines or play equipment which would not fall under planning control. Therefore, and given the size of the proposed house and as it would be read as a separate entity from Station House, neither the proposed removal of the existing outbuildings nor the presence of existing street furniture on Rimington Avenue adjacent to the site alter my conclusions regarding the harm that would arise.
24. By subdividing the large garden and introducing a new, self-contained dwelling that would erode the sense of space around Station House and the sense of separation between it and the other buildings in the railway complex, the development would harm the setting of Station House. It would also diminish the understanding of Station House's status relative to the rest of the former station complex, and thus harm the legibility of the historic railway complex as a whole. There would be limited or no intervisibility between the development and some of the buildings within that complex. However, its presence would be evident and experienced as part of that wider complex and, given the inextricable interrelationships between the historic buildings within the former railway complex, the harm to the setting, understanding and legibility of Station House would also cause harm to the settings of the other listed buildings within the group, detailed in paragraph 10 above.
25. The presence of multiple gables is a characteristic of the former Richmond Station building, Station House and other historic buildings in the railway complex. However, because of its stepped layout, with multiple staggered, partial gables close together within a relatively compact footprint, and the multiple ridgelines to the sides, the proposed house would have an unduly complex roof form and appearance compared to those existing buildings. Its wide side elevation would also significantly erode the gap and sense of space between Station House and other buildings in the railway complex, including in views from Rimington Avenue when approaching the town.

26. The house would not interrupt or obstruct views across the site towards Richmond Castle or the town to a harmful degree. However, it would appear incongruous in the context of Station House and its wider surroundings, notwithstanding the references to some details of nearby buildings and the intended use of matching materials.
27. Therefore, and given the harm it would cause to the legibility of the former railway complex, the development would cause harm to the character and appearance of its immediate surroundings, including the RCA.
28. The planting of a boundary hedge alongside the site's front boundary may provide some screening. However, whilst the provision of such a hedge could be secured via a condition, its retention for the lifetime of the proposed development, in my view, could not. Nor am I convinced that such a feature would completely obscure the development from public views, or that seeking to do so would be a satisfactory solution to address the harm that would arise. Furthermore, the building and subdivision of Station House's garden, and thus the harm to the setting of Station House and its relationship to its wider surroundings, would be visible from Station House and the remaining garden areas in any event. Therefore, the proposed planting of a boundary hedge would not overcome the harm I have identified.
29. My attention has been drawn to a relatively recent development of flats at Priory House, on Rimington Avenue close to the Richmond Station building, within the setting of the former Station and the wider complex. However, from the limited information before me I cannot be certain that the circumstances in that case were directly comparable to those in the appeal before me, including with regard to the nature and appearance of the building which stood on that other site previously. Therefore, whilst that building is part of the site's wider context, its presence does not alter my conclusions regarding the harm I have identified in this case or justify the further harm that would arise from the development before me which, in any event, I have considered on its own merits.
30. For the reasons given, the proposed development would cause harm to the setting of Station House, to the settings of the other listed buildings which form part of the wider former station complex, listed in paragraph 10 above, and to the character and appearance of its surroundings, including the RCA. Given the scale and nature of the development the harm arising to those heritage assets would be less than substantial. Nevertheless, I give considerable importance and weight to that harm and to the presumption that preservation is desirable. The Framework requires any such harm to be weighed against the public benefits of the proposal. I shall return to this matter below.

Appeal B – the proposed development and its effects on the settings of the listed buildings and the character and appearance of its surroundings, including the RCA.

31. Appeal B proposes a new dwelling in the garden of Station House. The proposed house would be dug into the site and partly underground, with a grass roof above. Its rooms would be served by wide, full-height glazed doors in a long, angled, stone-faced elevation that would open onto a sunken patio area, facing away from Station House and towards the river. A small outbuilding is proposed in the garden, providing access via stairs and a lift between the upper garden level and the proposed dwelling. The existing outbuildings within the site are proposed to be removed as part of the scheme.

32. The development would result in the subdivision of Station House's large garden, leaving Station House with a much-reduced garden area as well as introducing a new, separate residential unit into the existing garden space. Even though the proposed house itself may not be readily visible from parts of the site and its surroundings, the subdivision of the site would be apparent from the presence of physical boundary treatments. Furthermore, the external elevation of the proposed house and its presence as a separate entity within the subdivided garden would be evident from the remaining garden area in the northern part of the site.
33. The reduction in the size of Station House's large garden and the introduction of a new dwelling onto the site would significantly erode the sense of spaciousness around the existing dwelling and of its separation from other buildings, and thus the status that the large garden conveys to the existing property. The understanding and legibility of Station House in the context of the wider former railway complex would also be diminished.
34. With its very wide frontage, flat roof and large areas of glazing, the proposed house would appear as a modern structure, reflecting the architecture of its time whilst still incorporating some traditional materials. However, in the context of the very strong, consistent character and architectural detailing of other buildings in the railway complex, those large areas of glazing and the very wide, flat-roofed external elevations of the dwelling would appear incongruous, even if measures could be incorporated to limit reflection and light spillage from the large areas of glazing.
35. For these reasons, the development would cause harm to the setting of Station House.
36. As the proposal would be partly underground, public views of it would be limited. However, listed buildings and their settings are protected for their own sake and harm is not reliant on the existence of public views. In any event, based on the information before me and my own observations, I consider that glimpses of the development would be likely from parts of the land alongside the river to the north, particularly in the winter when intervening trees were not in leaf. Furthermore, the subdivision of the garden and the external parts of the dwelling would also be visible from within the remaining garden areas within the site, including to the north of the proposed house. In that context, against the backdrop of Station House and the Richmond Station building beyond, its incongruous appearance and erosive effect on the sense of space around Station House would be readily visible.
37. The proposal would include the removal of the existing outbuildings from the site and their replacement with a single small outbuilding, which would be sympathetic to its surroundings in its appearance and materials. However, the existing outbuildings are read as ancillary structures associated with Station House. As such, they preserve the sense of the garden's size and its contribution to the status of Station House.
38. In contrast, the proposed development would subdivide the site, reduce the size of Station House's garden and introduce a separate residential use. Notwithstanding the intended removal of the existing outbuildings, the site would be unlikely to remain free of domestic paraphernalia, since the proposed dwelling would result in the introduction of its own associated domestic items such as outdoor furniture, washing lines or play equipment, which would not

fall under planning control. Therefore, the proposed removal of the existing outbuildings does not alter my conclusions regarding the harm to the setting of Station House that would arise, and does not represent a benefit weighing in favour of the scheme. Nor does the presence of street furniture on Rimington Avenue adjacent to the site alter my conclusions regarding the harm that would arise from the works proposed within the site.

39. As Station House is inextricably linked to and associated with the other buildings in the former station complex, the harm to its setting and to the legibility and understanding of its historic role within the wider station complex would also result in harm to its contribution to the group of former railway buildings as a whole and thus to the setting of the other listed buildings within that group, as listed in paragraph 10 above.
40. The house would not disrupt or obstruct views across the site between the station complex and Richmond town and castle, or other views within the RCA. However, the proposed development would cause harm to the setting of Station House and to the legibility of the railway complex, an important group of buildings which contribute to the significance of the RCA. It would thus also cause harm to the character and appearance of the RCA.
41. For the reasons given, the proposed development would cause harm to the setting of Station House, to the settings of the other listed buildings which form part of the wider former station complex, as listed in paragraph 10 above, and to the character and appearance of its surroundings, including the RCA. Given the scale and nature of the development the harm arising to those heritage assets would be less than substantial. Nevertheless, I give considerable importance and weight to that harm and to the presumption that preservation is desirable. The Framework requires any such harm to be weighed against the public benefits of the proposal. I shall return to this matter below.

Appeal A – Public benefits and conclusion on the main issue

42. The development would provide a new dwelling in an accessible location near local facilities and public transport links and would contribute to local housing supply. However, the contribution made by the single dwelling proposed would be very modest and I afford it limited weight as a public benefit.
43. I have had due regard to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010, which sets out the need to eliminate unlawful discrimination and to advance equality of opportunity between people who share a protected characteristic and people who do not share it. The development would provide an accessible and adaptable dwelling which is intended to meet the future needs of the appellants. However, from the evidence submitted, I am not persuaded that the specific proposal before me would be the only means of meeting those needs identified. Furthermore, the development proposed would be permanent and the harm arising would remain indefinitely regardless of the needs of the initial users of the building. Therefore, although the addition of an accessible dwelling to local housing supply would be a public benefit, I afford these benefits only limited weight.
44. The submissions indicate that the dwelling would be designed to exceed Building Regulations requirements in terms of thermal performance and refer to the intended use of low and zero carbon technologies and solar panels. I recognise the potential public benefits of such measures. However, I have little

substantive detail regarding the specification of the dwelling or the measures proposed. Therefore, I cannot be certain as to the precise nature or extent of the benefits which may arise or whether they could be secured for the lifetime of the development, limiting the weight I give to those measures as public benefits.

45. Consequently, the weight I afford those matters put forward as public benefits in favour of the scheme is limited, even taken cumulatively, and does not outweigh the harm to the designated heritage assets that I have identified.
46. I conclude that the proposal would fail to preserve the setting of the grade II listed building, Station House, and would cause harm to the settings of nearby listed buildings. It would also cause harm to the character and appearance of its surroundings, including the RCA. It would therefore conflict with Policies CP3, CP4, CP12 and CP13 of the Richmondshire Local Plan 2012-2028 Core Strategy (the Core Strategy), which support development that promotes historic features of acknowledged importance and require high quality design and that development should not impact adversely on heritage assets. Those policies are consistent with the Framework which requires development to be sympathetic to local character and history and that heritage assets are conserved in a manner appropriate to their significance.

Appeal B – Public benefits and conclusion on the main issue

47. The development would provide a new dwelling in an accessible location, near local facilities and public transport links, and would contribute to local housing supply. However, the contribution made by the single dwelling proposed would be very modest and I afford it limited weight as a public benefit.
48. In considering the appeal I have had due regard to the PSED as set out above. I note that the proposed house has been designed as an accessible and adaptable dwelling, intended to meet the future needs of the appellants. However, based on the evidence provided, I am not convinced that the specific development proposed would be the only means of meeting the requirements identified. Furthermore, the development and the harm arising would remain indefinitely, regardless of the needs of the initial occupants. Therefore, and although the contribution of an accessible dwelling to local housing supply would be a public benefit, I afford those benefits limited weight as public benefits in favour of the proposal overall.
49. The appellants' submissions refer to Core Strategy Policy CP2, which expects new development to achieve carbon savings. However, I have not been provided with details of any measures proposed with regard to the requirements of this policy in this case. Therefore, I cannot be certain whether any such benefits would arise, or of the nature or extent of any such benefits if so, thus limiting the weight I afford this as a public benefit.
50. Consequently, the weight I afford those matters put forward as public benefits in favour of the scheme is limited and, even taken cumulatively, does not outweigh the harm to the designated heritage assets that I have identified.
51. I conclude that the proposal would fail to preserve the setting of the grade II listed building, Station House and would harm the settings of other nearby listed buildings. It would also cause harm to the character and appearance of its surroundings, including those of the RCA. It would therefore conflict with the

requirements of Core Strategy Policies CP3, CP4, CP12 and CP13 and those of the Framework as set out above.

Other Matters

Appeal A

52. The proposed dwelling would be visible from parts of Richmond Castle (grade I listed), including its keep, which affords extensive views across the town and beyond. However, the setting of the Castle already includes a variety of development within the town. The dwelling would be seen in the context of the former railway buildings from those vantage points and I have concluded it would cause harm to that complex of buildings. However, in the wider context of the town it would not cause specific harm to the setting of Richmond Castle.
53. I have also been referred to a number of other nearby listed buildings at the Former Grammar School Buildings at Richmond School (Grade II), the Parish Church of St Mary (Grade II*) and St Martins Priory Ruins (Grade I). However, given the separation distances between the site and other listed buildings which have been drawn to my attention and in the absence of any apparent historic or functional connection between the site and those buildings, the development would not harm the setting of those other listed buildings referred to, even if it would be partly visible in views of them from around the site.
54. Concerns have been raised regarding the accuracy of photographs provided with some of the parties' appeal submissions. However, whilst I have reviewed the photographs provided, my assessment and conclusions are based on my own observations from the site and surrounding areas.

Appeal B

55. Because of the partly subterranean design of the proposed dwelling and the distance from Richmond Castle, very little of the development is likely to be discernible in views from the Castle. On that basis, and as any visible elements would be viewed within the wider context of other built development which has grown up within the town around the Castle over the years, the development would not harm the setting of Richmond Castle.
56. Given the separation distance between the site and those other listed buildings identified in paragraph 53, and in the absence of any evident historic or functional connection between the site and those other buildings, the development would not harm their setting.
57. The revised drawing, EVO 680/09B, submitted with the appeal was not before the Council during the application and was not the subject of publicity at that time. However, as I have found the proposal unacceptable notwithstanding the amendments made, I am satisfied that no party has been prejudiced by my having regard to that amended drawing in my decision.
58. Concerns have been raised regarding the accuracy of photographs provided with some of the parties' appeal submissions. However, whilst I have reviewed the photographs provided, my assessment and conclusions are based on my own observations from the site and surrounding areas.
59. Although I note comments made regarding the Council's handling of the application, my conclusions are based on the planning merits of the case.

Matters relating to the Council's handling of the application have not formed part of my consideration of the appeal or been taken into account in coming to my conclusions.

Conclusions

Appeal A

60. The development would conflict with the development plan taken as a whole. I have no reason to conclude, from the evidence, that the development plan policies which are most important for determining the application are out of date. As I have found harm to heritage assets the application of policies in the Framework that protect assets of particular importance provides a clear reason for refusing the development proposed and the 'tilted balance' in paragraph 11d) of the Framework would not be engaged in any event. Therefore, the development would not comprise sustainable development in the terms of the Framework.
61. The development would conflict with the development plan taken as a whole and material considerations do not indicate that the decision should be made other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

Appeal B

62. The development would conflict with the development plan taken as a whole. I have no reason to conclude, from the evidence, that the development plan policies which are most important for determining the application are out of date. As I have found harm to heritage assets the application of policies in the Framework that protect assets of particular importance provides a clear reason for refusing the development proposed and the 'tilted balance' in paragraph 11d) of the Framework would not be engaged in any event. Therefore, the development would not comprise sustainable development in the terms of the Framework.
63. The development would conflict with the development plan taken as a whole and material considerations do not indicate that the decision should be made other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed, and planning permission refused.

Jillian Rann

INSPECTOR