
Appeal Decision

Site visit made on 4 May 2023

by S Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17TH May 2023

Appeal Ref: APP/V2723/W/22/3308456

Turf Hotel, Victoria Road, Richmond, North Yorkshire DL10 4DW

- 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 Vixen Pub Co. (The Stonegate Group) against the decision of Richmondshire District Council.
 - The application Ref 22/00462/FULL, dated 4 July 2022, was refused by notice dated 19 August 2022.
 - The development proposed is a timber pergola.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of the planning application the pergola had already been constructed. I have determined the appeal on that basis.
3. The original application, as submitted to the Council, sought both planning permission and listed building consent for the pergola. The Council subsequently determined that listed building consent for the works was not required. As such, the application proceeded on the basis that it was for planning permission only and was determined accordingly. I have no reason to disagree and have determined the appeal on the same basis as the Council.

Main Issues

4. The main issues in this case are the effect of the development on the setting of the grade II listed building, the Turf Hotel, the setting of the adjacent listed buildings and nearby scheduled ancient monument and, linked to that, whether the proposal would preserve or enhance the character or appearance of the Richmond Conservation Area.

Reasons

5. The pergola which forms the subject of this appeal is situated on the forecourt immediately in front of the Turf Hotel and is therefore within the setting of this important listed building. It is also within the setting of the nearby Georgian Theatre Royal, a grade I listed building and the former Zetland Cocoa Rooms, a grade II listed building. In addition to that the site lies opposite Friary Gardens, a scheduled ancient monument (SAM).

6. S.66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that in considering whether to grant planning permission for development which affects a listed building or its setting, special regard should be had to the desirability of preserving its setting or any features of special architectural or historic interest it possesses.
7. The site is also within the Richmond Conservation Area (the conservation area). The Act requires at s72(1) that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.
8. The Turf Hotel dates from the 18th century with later additions dating from the early 19th century. The special interest, or significance, of the building lies in its age, its notable architectural features, details of which are set out in the list description, and in its historic interest, particularly with regard to the social history and development of the town and in terms of its contribution to an historic street, parts of which date back to medieval times. The significance of the other heritage assets nearby is derived from similar considerations.
9. The significance of the conservation area is derived predominantly from its numerous well-maintained 18th and 19th century properties of a variety of styles, and areas of open space including the Friary Gardens. This part of the conservation area, because of the number of listed buildings and the SAM in close proximity to one another, is rich in architectural and social history. The Turf Hotel contributes positively to the character and appearance, and significance, of the conservation area.
10. The public house is set back from the road behind a generous forecourt which is bound by railings. Whilst there are some negative elements within the forecourt, the space itself allows the listed building to be legible from the street and therefore makes a positive contribution to the building's significance.
11. A fixed metal pergola has previously been erected to the left side of the forecourt having been granted planning permission and listed building consent in 2018¹. The pergola which forms the subject of this appeal is a timber structure with a retractable roof. It is positioned adjacent to the earlier structure and extends slightly forward of it. Both pergolas cover areas of external seating and there is a further area of uncovered seating within the forecourt.
12. As a result of its position, close to a main road into the town centre and near to a road junction, the site is visible within the street scene, the conservation area and the setting of the listed buildings and SAM. The new pergola is therefore highly prominent. Its timber materials and rustic form and appearance contrast poorly with the detail and quality of the historic environment around it such that it appears inappropriate and incongruous in its setting. Moreover, the structure obscures part of the front elevation of the listed building and as such detracts from the historic building's character and appearance, and the ability for it to be seen and appreciated as a heritage asset.
13. I acknowledge that the existing pergola already obscures part of the frontage of the building. However, the introduction of an additional structure compounds the effect of the original pergola in that respect. In addition, it contributes

¹ Application Refs: 18/00048/FUL and 18/00049/LBC

further visual clutter to the forecourt, the immediate setting of the listed building, the street scene and the conservation area. Whilst I understand that the appellants have suggested that the original pergola be removed and replaced, such a proposal does not form part of this appeal.

14. For the above reasons the proposal fails to preserve the setting of the listed buildings and neither preserves nor enhances the character or appearance of the conservation area. As such the proposal is contrary to Policies CP3, CP12 and CP13 of the Richmondshire Local Plan 2021-2028 which seek to: achieve sustainable development through seeking to conserve historic, environmental and cultural features of acknowledged importance; conserve and enhance heritage assets including those elements which contribute to the significance of those assets; and promote high quality design. In addition, the proposal would fail to meet the weighty statutory requirements of The Act.
15. In terms of the approach of the National Planning Policy Framework, where a proposal would cause less than substantial harm to a designated heritage asset, which the main parties agree is the case here, that harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
16. The proposal provides a covered space and as such allows patrons to sit outside all year round. However, such a facility already exists at the site. There is no evidence before me of how frequently the seating area is used or why an additional pergola is required. Moreover, whilst I understand that the hospitality industry may be operating under challenging circumstances, there is no evidence of the contribution the additional pergola makes to the business in financial terms or whether it is necessary to prevent the business becoming unviable. Accordingly, this limits the weight I can give the matter as a public benefit.
17. I acknowledge that the space may allow patrons to appreciate the heritage assets opposite. Nevertheless, it seems to me that a similar benefit can be achieved without a pergola that harms the setting of the important listed buildings. Accordingly, the argument carries little weight.
18. On the other side of the balance, the Framework indicates that great weight should be given to the conservation of a heritage asset and any harm to its significance should require clear and convincing justification. The public benefits of the proposal carry only limited weight for the reasons set out and do not therefore outweigh the significant harm I have identified, or justify the proposal.

Conclusion

19. On that basis, taking into account all I have seen and read, there are no considerations that would indicate that planning permission should be granted contrary to adopted policy. Accordingly, the appeal should be dismissed.

S Ashworth

INSPECTOR