



Appeal Decision

Site visit made on 18 August 2020

by Philip Major BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Housing Communities and Local Government

Decision date: 24th August 2020

Appeal Ref: APP/Z4718/D/20/3251115

22 Ottiwells Terrace, Marsden, Huddersfield HD7 6HB

- 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 Richard Haworth against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref: 2019/62/94149/W, dated 23 December 2019, was refused by notice dated 20 March 2020.
 - The development proposed is to reinstate the garden wall, remove the caging and shed and replace with a professional lightweight non permanent almost invisible cat containment area.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in the appeal is the effect of the proposed development on the character and appearance of the locality.

Reasons

3. The appeal site is located just within the Marsden Conservation Area (CA). My duty under S.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area.
4. Ottiwells Terrace is an attractive row of stone and slate dwellings which rises gently up the hillside. Each has a small front garden bounded by a low stone wall and, in some cases, a low fence or hedge in addition. The terrace retains a strong unity of character and is visually appealing both when approaching up the hill from the west, or when seen from the public footpath approach to the east.
5. For the most part the unity of character is enhanced by the lack of tall vertical structures in front gardens. As such it is possible to see the majority of the terrace unencumbered by visual obstructions along its length. The proposed development would be an intrusion in this pattern.
6. Although located at the end of the terrace the proposed cat containment area would include vertical stanchions of considerable height in relation to other structures nearby. They would be an alien feature in the setting of the terrace.

Whilst the netting to be attached to the stanchions would be capable of being seen through it seems unlikely to me that it can be regarded as 'almost invisible'. That would be particularly true at close quarters.

7. I can understand the Appellant's representations regarding the potential for cats to damage neighbouring property, harm wildlife and cause car accidents. But there is nothing before me which suggests these factors are a particular problem in this relatively secluded locality.
8. The significance of the CA is an amalgam of many characteristics, one of which is related to its built form, to which the appeal site and its neighbours contribute. The proposed development would introduce an incongruous feature to the CA and would be harmful to its character and appearance. This would detract from the significance of the CA. As a result the proposal is in conflict with the up to date development plan¹, notably policies LP24 and LP35 which, taken together, seek to ensure that development is of good design and protects the significance of heritage assets. These policies accord with the policies set out in the National Planning Policy Framework. The public benefit here has not been shown to outweigh the harm I have identified, or the policy conflict.
9. I have taken into account all other matters raised in the appeal but none is sufficient to overcome the harm I have found in relation to the main issue.
10. For the reasons given above I conclude that the appeal should be dismissed.

Philip Major

INSPECTOR

¹ Kirklees Local Plan Strategy and Policies, adopted February 2019