

Margaret Ross
Willow Cottages
10-12 Lower Road
Breachwood Green
Hitchin, SG4 8NS

28 July 2026

Dear Planning Authority Representatives,

Representation in Objection to Planning Application 26/01614/S73

My property, 10–12 Lower Road, benefits from a documented 12-foot (3.66m) Right of Way across the application site (Land Registry Title HD302333). As the owner of the benefiting property, I strongly object to this application because of its impact on the continued use, maintenance and long-term protection of that Right of Way.

This Section 73 application has been submitted following my decision not to agree to the proposed relocation of the Right of Way to suit the needs of the owner/developer. Having carefully considered the proposal, I remain of the view that the revised arrangement would not adequately preserve the width, functionality, privacy, security or long-term usability of the established route. I therefore continue to consider that this development is unsuitable in its location and design.

This representation is submitted by me as a directly affected neighbouring landowner whose legal rights are materially affected by the proposal. In preparing my comments, I have taken advice from an independent planning consultant to help review the application documents for the S73 and earlier application and identify several planning, technical and procedural issues. I have included professionally prepared drawings to illustrate some of the concerns. Whilst that professional advice has informed some of the observations below, these are my own representations as the affected landowner.

I ask North Herts Council Planning to consider the following matters before determining the application.

1. Impact on the Existing Right of Way

Plot 1 Construction

The repositioned dwellings at plot 1 and 2 have not moved sufficiently to ensure the existing 12 foot (3.66m) Right of Way (ROW) can be retained. As confirmed by legal advice, our documented ROW contains no restriction on vehicle height. The chalet-style roof design of Plot 1 overhangs, projecting into the ROW at height. The eaves and fascia height, as shown on the submitted drawings, would conflict with taller commercial vehicles like skip lorries or removal vehicles etc. Any roof projection that obstructs taller vehicles from utilizing the full ROW width constitutes an unlawful interference with our established legal rights, rendering the scheme unworkable as drawn.

ROW and proposed side access to plot 1

The ROW must be clearly maintained and the appropriate obligations transferred to the owner of plot 1 regarding unhindered access at all times over the 12 foot width. We remain very concerned about the existing and long-term management and accountability of the ROW and would seek appropriate

assurances from the land-owner this will be transferred in an agreed way that safeguards its future maintenance and access.

The proposal to offer to “flip” the parking for plot 1 is preferred by us as the current design layout risks encouraging unpoliced parking into the ROW obstructing access.

Whilst we recognise that the proposed design has been improved to ensure that the existing right of way is maintained, I remain concerned that the revised arrangement materially changes the character of the route. The existing gated access has provided a clear sense of privacy, security and separation from Lower Road. By contrast, the proposed open arrangement would reduce those qualities and increase the potential for misuse of the route for parking by plot 1 (or other) owners or visitors. Whilst I recognise the need to accommodate the ROW within the development, this should be achieved in a manner that, as far as reasonably practicable, retains its existing privacy, security and character.

Plot 1 Retaining Wall

The proposed retaining wall on Drawing 12 Rev G projects approximately 9 inches (215mm) directly into the ROW. Furthermore, constructing a 215mm brick wall tight against the site boundary with 2 Lower Road requires standard foundations/footings spanning 450mm–600mm wide. As advised by our solicitor, the erection of boundary structures or the placement of footings within the ROW width constitutes an unlawful interference and interruption to our legal right of way. The wall and its footings cannot be constructed as drawn without infringing upon our legal rights and extending beyond the red-lined application site onto land outside the applicant's control.

2. Other Planning matters affecting my property and Right of Way

Private Drainage

A private sewer serving my property crosses the application site before connecting to the Thames Water network. I have not been consulted regarding the effect of the proposed development on this infrastructure, despite drawings indicating that the drain is to be diverted. The submitted drawings appear to show the existing private drain (shown adjacent to plot 3 garage) drawn in the wrong place. The Applicant has the drainage details which show the private drainage connects to the Thames Water manhole 4101 below plot 3 (connection A on their own topographical survey). Any diversion should be accurately shown on the drawings and supported by an agreed method statement secured by condition.

External materials and hard landscaping conditions

The application contains insufficient detail about the external materials for the parking spaces, proposed adoptable highways, driveways, RoW and hard landscaping. These details are fundamental to the development and should be secured by condition.

3. Drainage, infrastructure and procedural matters

Thames Water Consultation and Existing Sewer Infrastructure

There appears to be no consultation with Thames Water in relation to either planning application which is a significant omission since an existing Thames Water asset runs through the site. The location of this asset does not appear to be accurately shown or annotated on the submitted planning layout.

The application proposes the diversion of a public sewer, yet there is no evidence that the proposed diversion has been discussed or agreed in principle with Thames Water. It is essential that the Local Planning Authority is satisfied that the diversion, foundation design and construction methodology are technically achievable before permission is granted.

The submitted information also raises concerns regarding the relationship between the existing sewer infrastructure and the proposed foundations. Thames Water Manhole 4101 is understood to have an invert depth of approximately 2.48 metres, which may require deep trench or piled foundations for Plot 3. Either solution could have significant implications for construction and nearby Tree Root Protection Zones, yet these issues do not appear to have been fully assessed.

The potential need for piling is of particular concern to me as the owner of the adjoining Victorian property. My house forms part of a terrace of nineteenth-century cottages constructed with shallow or negligible foundations, as was typical of the period. Such buildings can be particularly susceptible to vibration and ground movement arising from deep excavation or piling operations. Any foundation solution should therefore be supported by an assessment of the likely effects on neighbouring properties, including the nearby listed buildings, together with appropriate mitigations.

Further clarification is therefore requested as to whether an impact assessment of existing drainage and sewerage assets has been undertaken. It is understood that Thames Water requires such assessments to be prepared and, where appropriate, agreed in principle before works affecting its apparatus proceed.

Similarly, it is unclear whether a detailed assessment has been undertaken of the risks associated with the proposed sewer diversion works, particularly given that these are likely to involve significant excavations and works at depth. A suitable method statement should demonstrate how the works would be safely undertaken, with appropriate consideration given to the protection of the existing Thames Water apparatus, the safety of the public and any potential impacts on properties or infrastructure upstream of the works.

It is also unclear whether a Thames Water 'Building Near' consultation has taken place in respect of Plot 1 and the existing public sewer.

I respectfully request that Thames Water is formally consulted before the application is determined and that the applicant demonstrates that the proposed sewer diversion, foundation design and associated construction works are technically feasible and supported by appropriate impact assessments and method statements. Until this information is provided, it is difficult to conclude that the development can proceed safely without unacceptable risk to existing sewer infrastructure, neighbouring properties or protected trees.

Inconsistent and Uncoordinated Plans – Development Outside the Red-Edged Application Site

There appear to be significant inconsistencies between the application red-edged plan, the submitted planning layout and the Applicant's Title Plan. Taken together, these documents do not appear to identify a consistent application site or accurately establish the extent of the land within the Applicant's ownership and the land required to facilitate the proposed development.

The Planning Layout appears to show elements of the development extending beyond the area enclosed by the red-edged application boundary, whilst the application boundary itself appears to include land

outside the Applicant's ownership. I have seen no evidence that the appropriate notices have been served on all owners or parties with an interest in that land.

The accuracy of the red-edged application site is fundamental to the proper consideration of any planning application. The red line should accurately identify the land required to carry out the proposed development and should include all land necessary for that purpose, including, where applicable, land required for access, visibility splays, landscaping, car parking and open areas associated with the development.

Requirements are set out within the Town and Country Planning (Development Management Procedure) (England) Order 2015 that it is the responsibility of the Applicant to establish the extent of the land included within the application, identify the relevant ownership interests and serve the appropriate notices on those with an interest in the land, as required.

Whilst it is recognised that the Local Planning Authority would not ordinarily be expected to independently verify the Applicant's Title Plan or investigate the Applicant's ownership of the land, it is nevertheless important that the application documents accurately identify the land to which the application relates.

To assist the Local Planning Authority in understanding the discrepancies, I have provided a PDF (prepared by Farris Associates Ltd) containing a series of overlays comparing the Applicants Title plan, the Application Red-edged Plan and submitted planning layout.

1. The Applicant's Title Plan.
2. A side-by-side comparison of the Applicant's Title Plan and the Application Red-Edged Plan, identifying areas where the red-edged application site appears to extend beyond the Applicant's identified ownership.
3. The Planning Layout with the Application Red-Edged Plan overlaid, identifying areas where elements of the proposed development appear to extend beyond the submitted red-edged application boundary.
4. The Planning Layout with the Applicant's Title Plan overlaid, identifying areas where elements of the proposed development appear to extend beyond the Applicant's identified ownership.

The significance of these discrepancies is that the submitted application documents do not appear to provide a clear and consistent definition of the full extent of the proposed development or the land necessary to deliver it. This is particularly important where elements of the proposed development, access, landscaping, drainage, infrastructure or other associated works may extend beyond the submitted application boundary or beyond land apparently within the Applicant's ownership.

How can a red edged plan be accepted which does not include the whole planning layout? We appreciate the Planning Case officer may not have the means to overlay drawings but holding one plan over the other against a window shows that these two plans (01 and 12G) do not align or represent the total nature of the development within the red edged area. This is a fundamental flaw which must invalidate this application and the previous approval which used the same flawed and inconsistent information.

It is therefore respectfully requested that the Local Planning Authority carefully review the application boundary against the submitted Planning Layout and the Applicant's Title Plan and establish whether

the red-edged application site accurately encompasses all land necessary to carry out the proposed development.

These discrepancies appear to affect both the current Section 73 application, 26/01614/S73, and the original planning application, 22/02871/FP. If the proposed works extend beyond the red-edged application boundary, or if land and ownership interests necessary to implement the development have not been properly identified and notified, this raises a material concern as to whether the applications have been properly constituted and whether the full extent of the proposed development has been adequately considered through the planning process.

I respectfully request that the Local Planning Authority reviews the application boundary, ownership certificates and notification requirements before determining the application. These issues appear to affect both the current Section 73 application (26/01614/S73) and the original planning permission (22/02871/FP) and should be resolved before any decision is made to ensure the application has been properly constituted and all relevant landowners have been notified.

Highway Safety

The proposed development occupies an unsuitable location on Lower Road, a narrow, unlit rural lane with no footpaths and very few passing places. The site lies between blind bends on both approaches, creating restricted visibility, whilst increasing congestion from larger vehicles, delivery traffic and parked cars already makes it difficult for vehicles to pass safely. These existing constraints would inevitably be exacerbated by additional traffic associated with the development.

The original Transport Statement did not, in my view, accurately reflect the operation of this section of Lower Road or the practical realities of vehicle speeds and movements. I note that Hertfordshire County Council's Area Highways Development Control Manager objected to the original application on highway accessibility and safety grounds.

Vehicle tracking and servicing

Whilst amended vehicle-tracking drawings have now been submitted, they do not appear to demonstrate that larger service vehicles can safely manoeuvre within the site and leave in a forward gear. Drawing 25A appears to show the refuse vehicle entering the site forwards but provides no clear evidence that it can turn within the site before exiting. If this manoeuvre cannot be achieved, refuse vehicles would be required to reverse onto Lower Road, creating an unnecessary highway safety risk. Similarly, the tracking shown for the removal vehicle appears to overrun the proposed landscaped area adjacent to Plot 2, raising further questions about whether the internal layout can safely accommodate larger vehicles.

Taken together, the physical characteristics of Lower Road and the apparent limitations of the proposed access arrangements reinforce my view that this is an unsuitable location for additional residential development. I respectfully request that the Local Planning Authority is satisfied that refuse vehicles, removal lorries and other larger service vehicles can safely manoeuvre entirely within the site and enter and leave in a forward gear before determining the application.

Conclusion

For the reasons set out above, I respectfully request that North Hertfordshire Council refuses this application or, alternatively, defers its determination until the matters identified above have been satisfactorily addressed.

The issues raised extend beyond matters of personal preference. They concern the protection of an established legal Right of Way, the accuracy of the submitted plans, drainage and sewer infrastructure, procedural compliance, highway safety and the practical deliverability of the proposed development. Until these matters have been satisfactorily resolved, I respectfully submit that planning permission should not be granted.

Yours sincerely,

Margaret Ross

Attachment: Land West of Lower Road Boundaries – Supporting Documentation.pdf