

PLANNING STATEMENT

In support of an application under Section 73 of the Town and Country Planning Act 1990

Site: Land on the West Side of Lower Road, Breachwood Green, Hertfordshire, SG4 8NS

Applicant: Mr & Mrs Long

Original Permission: 22/02871/FP (granted 4 December 2023)

Our Reference: 3660

Date: June 2026

1. Introduction

This statement is submitted on behalf of Mr & Mrs Long in support of an application under Section 73 of the Town and Country Planning Act 1990 to vary Condition 1 (approved plans) of planning permission 22/02871/FP.

That permission, granted on 4 December 2023, authorised the erection of six dwellings comprising two pairs of semi-detached dwellings and two detached dwellings, with detached double garages to plots 3 and 4, together with parking, landscaping and the creation of a vehicular access off Lower Road.

The purpose of this application is to substitute a revised site layout that positively accommodates an existing private vehicular right of way running along the southern boundary of the site. The number of dwellings, their mix, scale, appearance and the access arrangement onto Lower Road are all unchanged. The amendments are minor and do not alter the fundamental character of the approved scheme.

2. The Proposed Amendment

The approved site plan identifies a private vehicular right of way along the southern boundary of the site, benefitting an adjoining landowner. In order to accommodate this right of way satisfactorily, the following adjustments to the approved layout are proposed:

- Plots 1 and 2 are repositioned by just under 2.4 metres to provide the necessary corridor for the right of way along the southern boundary. All other dwellings (plots 3 to 6) are unaffected and remain exactly as approved.
- A shared private drive, 12 feet in width, is provided along the southern boundary. This will form part of the curtilage of plot 1 and accommodates the right of way.
- Parking for plot 1, previously provided within the shared parking court, is relocated to serve the dwelling directly off this access. This allows the shared parking court to be reduced in size.
- The internal road layout has been adjusted to suit the above. The vehicular access (bellmouth) where it meets Lower Road is unchanged from the approved scheme.

The amendments are shown on the revised drawings submitted with this application, which are intended to supersede the corresponding approved drawings:

- **Drawing 3660 12G** (revised site layout) supersedes approved drawing 3660 12E;
- **Drawing 3660 25A** (vehicle tracking) supersedes approved drawing 3660 25;
- **Drawing 3660 27A** (vehicle tracking) supersedes approved drawing 3660 27.

3. Use of Section 73

Section 73 is the appropriate route for this amendment. The proposed changes are confined to the variation of the approved plans and do not alter the description of development or the principle of the development, which is firmly established by the extant permission.

It is well established that an application under Section 73 falls to be determined having regard only to the conditions subject to which planning permission should be granted. The local planning authority is not invited to revisit the principle of the development, but to consider the limited effects of the proposed amendment. For the reasons set out below, those effects are neutral.

4. Access and Highways

The shared southern access will be used only by the adjoining landowner who benefits from the right of way, and by the occupiers of plot 1. It is not a through-route and will not serve the wider development, which continues to be accessed via the existing approved bellmouth onto Lower Road. The arrangement provides a turning space so that cars can enter and leave the site in a forward gear.

Vehicle tracking for the revised arrangement is demonstrated on drawings 3660 25A and 3660 27A. Should the local planning authority or the highway authority raise any concern regarding the use of this driveway for the development, parking for plot 1 can readily be 'flipped' and accessed via the main internal access road. The arrangement now proposed is, however, considered preferable in that it makes efficient use of the space available alongside the right of way.

The access onto the public highway is unchanged, and there is no alteration to the adopted highway.

5. Residential Amenity

The repositioning of plots 1 and 2 by just under 2.4 metres does not give rise to any new or worsened impact on residential amenity. Separation distances to neighbouring properties and between dwellings within the site are maintained, and there is no material change to outlook, overlooking, overshadowing or privacy as compared with the approved scheme. The relationship between the dwellings and the boundaries of the site remains acceptable.

6. Other Matters

The scale, height, massing, external appearance and materials of the dwellings are unchanged from the approved scheme. Landscaping, drainage and other matters secured by condition on the original permission are unaffected by this amendment and will continue to be addressed through the discharge of the relevant conditions. The amendment does not alter the quantum of development or its impact on the surrounding area.

7. Conclusion

This Section 73 application proposes a minor variation to the approved layout of an extant permission in order to accommodate an existing private vehicular right of way along the southern boundary of the site. The amendment is limited to the repositioning of plots 1 and 2 and consequential adjustments to the access and parking arrangements. The principle of development, the number and mix of dwellings, the access onto Lower Road and the character of the scheme are all unchanged.

The proposed amendment is neutral in its effect on residential amenity, highway safety and the character and appearance of the area. We respectfully request that the application be approved.

