

Planning and Development service

11 Low Westwood

Economy and Infrastructure

Golcar

PO Box 893 Civic Centre 3

Huddersfield

Off Market Street Huddersfield HD1 2JR

HD7 4ER

02/02/2022 .

Yor ref 2022/90019

15 Low Westwood Lane, Wellhouse, Huddersfield HD7 4EW

Erection of single storey extensions and car port (within a Conservation Area)

Dear Planning

I first came to live at 11 Lowestwood in 1968, I rented my property from
who lived at Although the door numbers are odd the 3
houses form a terrace with number 11 being in the middle. Originally in the 1800s the house
was detached, an extension was built to the front of the house and the house was divided
into two dwellings, my house retained the staircase which is a lot wider than normal
staircases, also a downstairs toilet. Number 7 was built at a later date. I invited my parents
to come and live with me as the house had 3 bedrooms and a bathroom, my parents house
was a 1 up and 1 down with an outside toilet, and rumoured to be demolished to make way
for a housing development, their house was at Roydhouse directly across the valley from
this house. It was agreed with that my parents could live with me as
well, they put their names on the rent book as I knew that sometime in the future I would
leave this house. I left the house in 1969 I worked at a book distribution company in
Huddersfield in the accounts department. In the meantime offered to
sell this property to my parents and the offer was accepted and they exchanged contracts in
1974. I decided I did not want to work in accounts for the rest of my working life and
applied to Huddersfield School of Nursing to train as a nurse, after sitting exams I passed
and was accepted. After training I became a registered nurse. I applied to work 2 nights per
week as on nights you could be sent to any ward and gained knowledge in all fields, also you
had more time to connect with your patients. Sometimes you were sent to a ward to run
single handed.

I eventually left HRI to live abroad
with My Husband, I was going to work with the local GP as the British Isles have so many
different accents it was difficult for the doctor to understand what their problem was. I
became pregnant in 1988 and decided I would give birth at HRI, it was arranged that I would
receive shared care between my GP and HRI. In December 1988 we came to live at this
house with my father as my mother had sadly passed away when I was in training. I gave
birth on January 18th 1989 and all went well. We flew back home 3 weeks later.

..... We returned to this house and an appointment was made to see

The stretcher was brought to the front door but due to the layout of this house it was impossible to get the stretcher through. Eventually they brought the stretcher to the rear of my house along the then right of way as this was the only access to get the stretcher in and out.

We decided to sell our villa abroad and come back to Huddersfield. We bought a house, and my husband worked in Huddersfield. Eventually disaster struck in 1992 and we lost over through the negligence of a solicitor based in We had to sell our house but did not make a profit and we were threatened by the building society that they would repossess the house if not sold. We then moved to this house. We contacted a solicitor and in turn he contacted a barrister to take our case to sue the solicitor, and would go to Crown Court. Not long after my Husband was diagnosed with

We contacted our solicitor who told us the most important thing was not letting the solicitor who we were suing of my husbands illness as he would draw this out making sure that when there would be no case against him. We were given a court date for At that time my son was 4 years old. During this time my father gave me this property by Deed of Gift. My fathers will stated the house would become mine on his death, but decided it was the right time that the house became legally mine. I received a cheque for in my name only from the solicitor in it was obvious that he had the knowlege that my husband had and the case would be closed. I needed to do something to help others, I applied to work voluntary for STAR and trained at the then Bishopgarth police training centre in Wakefield. It involved giving women support for the first 6 weeks after I covered all areas of Huddersfield but sometimes was sent to the outskirts of Bradford. While living at this house the right of way was used to deliver anything bulky that would not fit through my front door. When number 15 was put up for sale bought the property for cash after a divorce settlement Also her 2 sons were named on the deeds as joint owners.

This disrupted both mine and my sons sleep, My sons school work began to suffer as we were both tired from lack of sleep. I once confronted |

about the noise but received a string of abuse. When the present owners bought number 7 Lowestwood, from

, they decided to make a path in their garden which is approximately 10 ft below mine and it ran parallel to my right of way this led to their garage on the land they owned and exit to the road. bought part of the land which belonged to number 7 and she planned to extend her patio across the right of way and to access this there would be steps. I told her she could not build across or block the right of way, her reply was "Its my land and I can do what I want with it " I contacted my solicitor who confirmed this was illegal. My son and I went on holiday for 2 weeks and on returning the right of way had been built across to extend patio and an extension to her kitchen was being built, I was never made aware of the extension or received any letters from planning. This meant that she had blocked off her gate to access the road which was between the garage and the house as the extension butted up to her garage. A gate had been placed at the far end of the patio for her use only. this prevented any large goods of mine being delivered as the delivery men deemed it unsafe and there were many obstacles placed on the path leading to my house. I have had paint scraped off architraves and things knocked over when delivering carpets etc through the front door. The sale of the land did not appear on no 7 and 15 deeds until a few years later. I have saved money from my

to pay for to make my house safe for me to continue living here. This included making my garden safe for me to enjoy. Just after lockdown I ordered a Small corner summerhouse, just somewhere to relax and to get out of my house and view my garden. When the summerhouse arrived I had to ask permission from number 7 to use their path to enable the panels to be put in my garden, this was difficult with the path being 10 ft below my garden and a low fence to pass the panels over the top. Any garden refuse has to be brought through my lounge and kitchen to be taken out of the front door and now large builders rubble will need to be brought through my house. I decided enough was enough and contacted my solicitor in August 2020 regarding the right of way. He informed me he would contact me when he found my deeds, he didnt contact me and I feared my deeds had been lost when I was told that was going to put her house on the market which she did. I sought the help of my solicitor again. This time he sent letters to

who are on number 15 deeds but never resided at this property. I was receiving text after text from asking questions about the layout of my house and why my front door could not be used for goods to be delivered, I told him this should be discussed with my solicitor, but this was to no avail, and the text kept on coming.

I only decided that this dispute should be brought to an end so the purchasers of No 15 would not be faced with this ongoing dispute. knew that by firing all these questions at me the house sale was nearing completion. Right from the start

was telling my solicitor " We do care about and will do anything to rectify this problem and her suggestions would be welcome" when I informed of any suggestions I was met with "sorry thats not possible." These were delaying tactics for the sale to go ahead and it would no longer be their problem. I thought a letter from a

solicitor would solve the problem, but obviously I thought wrong and the cost of employing a solicitor cost me The new owner had been made aware that there was a land dispute but was informed by not to worry as the land was theirs. When moved into number 15 myself and welcomed them and told them if they ever needed help call on us. I felt it unfair to speak to them regarding the problem of the right of way immediately. I did ask for help on numerous times when the person who I have known for over 25 years who works at an independent school and is on the maintenance team was present. has done a lot of work to this house and seen my over the years. He remembers way back using the right of way which was a straight run and using a wheelbarrow to deliver building material for making a patio in my garden. If friends and relatives visited with babies the right was used to push their prams into the garden, and I also used the right of way with my pram to reach the road I used the right of way when my father was wheelchair bound to gain access to my house, as there are three steps leading from the front of the house to gain access to the road and it would be impossible to bring a wheelchair into the house this way. Eventually when we were invited into number 15s garden I decided to speak to them about the right of way, I told them that I did not want them to remove their patio where the right of way should be, I asked if they could make another path through a low wall bordering their garden which would then join the rest of the right of way that leads to the road and not to include steps but make it as near as possible to the original right of way. There were no problems between us until started to make a wood store against my fence which was in my garden and not in line with the party wall, he attached the fibre board roof using nails to the top of my fence it also hung over my fence and looked unsightly in my garden. I plucked up courage to tell him about this and told him to view it from my garden, he asked if it was ok to lower the roof but still attach it to my fence and I agreed. I thanked him for doing this. We always spoke to each other in passing, then everything changed and they wouldn't make eye contact and looked in a different direction this also happened to I then received a letter that had applied for planning permission to erect a car port and an extension to the already extended kitchen. I downloaded the plans. I noticed there was no new right of way for me to use, and already a large green metal container was stood at the top of the steps and wood was blocking the gate which I am not allowed to use. was furious when he saw the planning application on a lamppost, came to my house to look at the plans, he sent a text to saying they should have told him about what they intended to do, he told them that they could not have a pizza oven as it was his wall where it was shown on plan, and did not agree with the locking gate, I told him they would give and myself a key for the gate. This means anyone who visits my house without letting me know, would be locked out, and even if someone had contacted me prior to visiting I would have to go and unlock the gate for them to enter, be it rain or shine, but it will be impossible for me to do this. I fear if there is an emergency and I need to go to hospital on a stretcher how would the ambulance persons gain access to my house when the gate would be locked. It shows how wants to make the rear of his property private giving no thought how this will affect me or others.

I have _____ as my son went to university in Leeds and lived in student accomodation in Headingley and liked the area so much that after he gained his BA degree he decided to continue living there. I have worked hard to _____ I joined a gym, to make sure I kept my muscles strong

I have a small dog who is 11 and make sure I walk at least a mile every day with her, its good for her and I love to be able to walk outside and meet people. I am also on the

----- I am fiercely independent, although I have all these problems I won't let them get the better of me. I hope I will be able to carry on living here independently for the rest of my life. Also there is a pear tree in the garden which my husband planted _____ I have my dog buried in the garden

This house will be passed down to my family as stated in my will. I have sent this at the last minute as _____ told me that we would all meet together to discuss the plans at a time convenient to everyone. This meeting has not taken place.

Please find enclosed documents and deeds which hopefully will help you to understand what I have written.

Yours faithfully

App. B.
all App written by
when I
sent copies

Members

1. Mr. J. H. ...
2. Mr. J. H. ...
3. Mr. J. H. ...
4. Mr. J. H. ...
5. Mr. J. H. ...

6. Mr. J. H. ...
7. Mr. J. H. ...
8. Mr. J. H. ...
9. Mr. J. H. ...
10. Mr. J. H. ...

Associate

1. Mr. J. H. ...

11 Lowestwood Lane
Golcar
HUDDERSFIELD
HD7 4ER

Conveyance

ESG/AMC/SAU2-3

Conveyance

Date

06 March 2007

Conveyance

Dear

Re: Potential Right of Way Dispute

Further to our recent telephone conversations, I write to advise that I have now had an opportunity to consider the title deeds relating to your property, ie 11 Lowestwood Lane.

Within the bundle of title deeds, there is a Conveyance dated 4 January 1974 between

The Conveyance clearly refers to the existence of the right of way for the benefit of the owners of 11 Lowestwood Lane. The plan attached to the Conveyance shows that the route of the right of way passes behind numbers 7, 11 and 15 Lowestwood Lane and emerges at the side of number 15. The right of way therefore is clearly for the benefit of the owners of your property and number 7.

In addition to the Conveyance, there is also a Deed of Release dated 28 October 1985 between Yorkshire Building Society (1) and (2) and (3).

The Deed of Release has the effect of slightly changing the route of the right of way. The right as you currently know it will no doubt follow this new route.

Therefore, you have a legal right of way. As I mentioned during the course of our telephone conversation, this right of way cannot be blocked or obstructed in any way whatsoever by the owners of 15 Lowestwood Lane. Even if the owners of number 7 Lowestwood Lane choose to give up their right of way, then this does not affect you.

I have obtained Office Copy Entries relating to both 7 Lowestwood Lane and 15 Lowestwood Lane. Unfortunately, only number 7's right of way is registered against the title to number 15 Lowestwood Lane. However, this does not have any bearing on your use of the right of way nor does it affect its existence in any way at all. The fact that your right of way is not registered against number 15 just

App. B

means that it may be that the owners of number 15 are not aware of your right to use the pathway. However, I doubt that this is the case, in view of the fact that you have used it for a number of years.

The right of way is registered against the title to number 7 Lowestwood Lane, which will be the reason why the owners of number 15 have approached the owners of number 7 to sell a piece of land.

As I mentioned during the course of our telephone conversation, there are two ways in which a right of way can be removed. The first is by abandonment. For a right of way to be abandoned, it must not be used for a period in excess of 20 years and the user of the right of way must have had the intention or abandoning it. Therefore, non-use for a number of years (even in excess of 20 years) will not render the right of way unusable unless the person with the benefit of it, ie you in this case, intends to abandon the right of way.

The second method by which a right of way can be removed is by agreement. Therefore, if you were to agree with the owners of number 15 Lowestwood Lane that you would not use the right of way any further and agreed to extinguish the right of way from your deeds, then you would not be able to use it any further.

Therefore, from the evidence I have before me, it is clear that you have a right to use the right of way and, as such, neither the owners of number 15 nor the owners of number 7 Lowestwood Lane have any right to obstruct or block the right of way.

If you wish to discuss this matter further, please do not hesitate to contact me.

Yours sincerely

From:

Subject: RE: FN38705-11 Low Westwood

Date: 11 Jun 2021 at 16:50:08

To:

Cc:

Dear

11 Low Westwood, Golcar, Near Huddersfield

I have been asked to look at this matter by our complaints partner. I am sorry that it was necessary for you to raise a complaint.

We have now obtained your Deeds from storage and have been able to review them.

You became the owner of 11 Low Westwood by a Deed of Gift dated 15 August 1994 whereby transferred the property to you.

The Deed of Gift described the property by reference to a Conveyance dated 4 January 1974 and made between (1) and (2)

I attach a copy of the 1974 Conveyance together with the 1994 Deed of Gift.

You will see that the property which you own was shown on the plan to the 1974 Conveyance edged in red. You were granted a right of way over the footpath shown coloured brown on the plan. The Conveyance of 1974 says that the owners of No 11 Low Westwood have the right for themselves, their tenants, servants and visitors, "*to pass and repass over and along such part of the footpath coloured brown on the said plan as does not form part of the property hereby conveyed ...*" There is also a right for the owners of numbers 7 and 15 Low Westwood to pass and repass along that footpath coloured brown. The three properties are meant to share the cost of maintaining the footpath equally.

The Conveyance also provides that, "*the walls dividing the dwelling house hereby conveyed from the adjoining dwelling houses numbers 7 and 15 Low Westwood aforesaid are mesne and party walls and maintainable and repairable as such.*"

PTO —>

I am aware from the file index that you appear to have been involved in a right of way dispute in around 2003/2004 but their records indicate that the file was listed for destruction in 2013, so I am unable to understand what the position was at that time and how any dispute that you may have had with your adjoining owner(s) was resolved or left.

The fact is that from what I can see (unless there has been any Deed of Variation in the meantime) you have a right to pass and repass on foot along the footpath coloured brown on the plan and that the wall separating your property from those on either side (Nos 15 and 7) are party walls.

Insofar as party walls are concerned, if one of the owners wishes to carry out work on a party wall or adjacent to it, permission must be sought from the other owner and there are provisions in the Party Wall Act 1996 to resolve disputes between persons who share party walls and party structures.

I would have thought that if the deeds to 15 and 7 Low Westwood are in similar/identical terms to yours then the solicitors acting for the buyer will advise them about the right of way, including who can use it, when and the costs of repair of the footpath and also that the walls are party walls and what that means. I believe that is what any reasonably competent conveyancing solicitor would do.

I hope this assists, but if you need any further help, please do not hesitate to get in touch.

Yours sincerely

15 Low Westwood Lane
Golcar
Huddersfield
HD7 4EW

ALSO TO

Your Ref:

Date: 25 June 2021

DRAFT - encls Dear Madam & Sirs

Our client 11 Low Westwood Lane, Golcar, Huddersfield

We act for of 11 Low Westwood Lane, Golcar, Huddersfield and have been instructed by her to write to you regarding the right of way which she enjoys across the rear portion of your property at 15 Low Westwood Lane, Golcar, Huddersfield, HD7 4EW, which property is registered at the Land Registry under Title Number WYK354771.

Our client's late parents purchased the property in which she now lives on 4 January 1974 and we attach a copy of the Conveyance of that date. That Conveyance refers to a right of way for the owners and occupiers of 11 Westwood Lane over a footpath coloured brown and shown on the plan to the Conveyance. As you will see, the footpath runs across your property and joins with Low Westwood Lane. A Deed of Release was entered into on 28 October 1985 between the then owners of 7 Low Westwood Lane, Golcar and the late

which varied the right of way so that instead of joining Low Westwood Lane where originally provided for in the 1974 Conveyance and as shown on the plan to that Conveyance, the right of way was varied to follow the route shown on the plan attached to the Deed of Release; the amended route crossing the land belonging to the owners of No 7 Low Westwood Lane rather than being wholly on your land as originally the route of it ran. We attach copies of the deeds to which we have referred together with Office Copy Entries for your property.

The route of the right of way as it crosses your property has been altered over time; the right of way running across your property originally followed the line shown in the plan attached to the 1974 Conveyance. Save for three steps which were omitted from the route by the Deed of Release dated 28 October 1985, the right of way across the rear of your property was level.

The current route does not strictly follow the 1974 Conveyance route in that there are now a number of steps up at a change of level and the original route has been blocked. We attach some photographs showing the area at the rear of your property. The original route of the right of way as shown on the 1974 Conveyance plan went across the rear of property and would have issued from it roughly in the position now occupied by the Belfast type sink shown on the attached photographs.

We are writing to say that our client wishes the original route of the right of way to be restored forthwith so that the route across your rear garden will be flat and level and it will be no longer necessary to use the steps which are currently in use; our client is

which she is unable to use on the steps which are currently in use. In the circumstances, our client requires you to confirm within seven days that steps will be taken to remove the Belfast sink, plants and other structures obstructing the original route of the right of way and for the right of way across your property to be restored to a flat and level condition as originally envisaged.

We understand from our client that she received documents from you regarding the right of way

last summer, albeit she was confused as to the import and meaning of that correspondence and has therefore sought our assistance in relation to it. Our client's position is that she wishes the right of way to be returned to its original line and condition insofar as it crosses your property so that it joins the right of way as varied by the 1985 Deed adjacent to the point marked B on the plan annexed to the Deed of Release dated 28 October 1985.

We have also been instructed by our client to say that she intends to restore the line of the fence separating your property from hers immediately adjacent to Low Westwood Lane to its original line; we attach a photograph showing the front fence which is currently angled away from the road towards our client's front wall, whereas it is clear from the title documentation and indeed the physical evidence on the ground, that the fence should originally have been perpendicular to the front wall of the properties and follow the line of the party wall separating the 2 houses. Our client intends therefore to restore the fence to its original line.

These are serious matters and you may wish to consider obtaining legal advice. Please let us have confirmation from you within seven days that you will restore the line of the right of way as requested above.

We await hearing from you or your solicitors within the time specified.

Yours faithfully

From:

**Subject: FW: Deeds for right of way 11 Low
Westwood HD7 4ER**

Date: 1 Sep 2020 at 11:47:24

To:

Cc:

Please see the email below, I believe
this is one where you spoke to

Thanks

From:

**Subject: RE: 25564.2-Lesley Saunders -
Re. Property Issues**

Date: 23 Aug 2021 at 14:44:55

To:

Dear

11 and 15 Lower Westwood

I have spoken to the solicitor who acts for the in connection with their property sale. A message had been left for me by that solicitor the other week and my secretary had let her know that we were waiting for instructions. Given the passage of my time and my understanding that completion of the sale was imminent, I telephoned the solicitor with a view to saying that I was awaiting your instructions, but would come back to the and the solicitor as soon as I could. I was informed that the sale had in fact completed last

Friday 20 August and that

has now moved well away from the area. I think you mentioned when we spoke last that they were heading to albeit initially she was relocating to property in

I suppose that now leaves the issue as to whether you want to raise the matter direct with the new neighbours, or want me to write to them, or whether you want to leave matters as they are. To some extent, it would be a case of starting all over again with a letter to them, but of course they will not have the history that purported to have. I understand from the solicitor that they fully expect that if

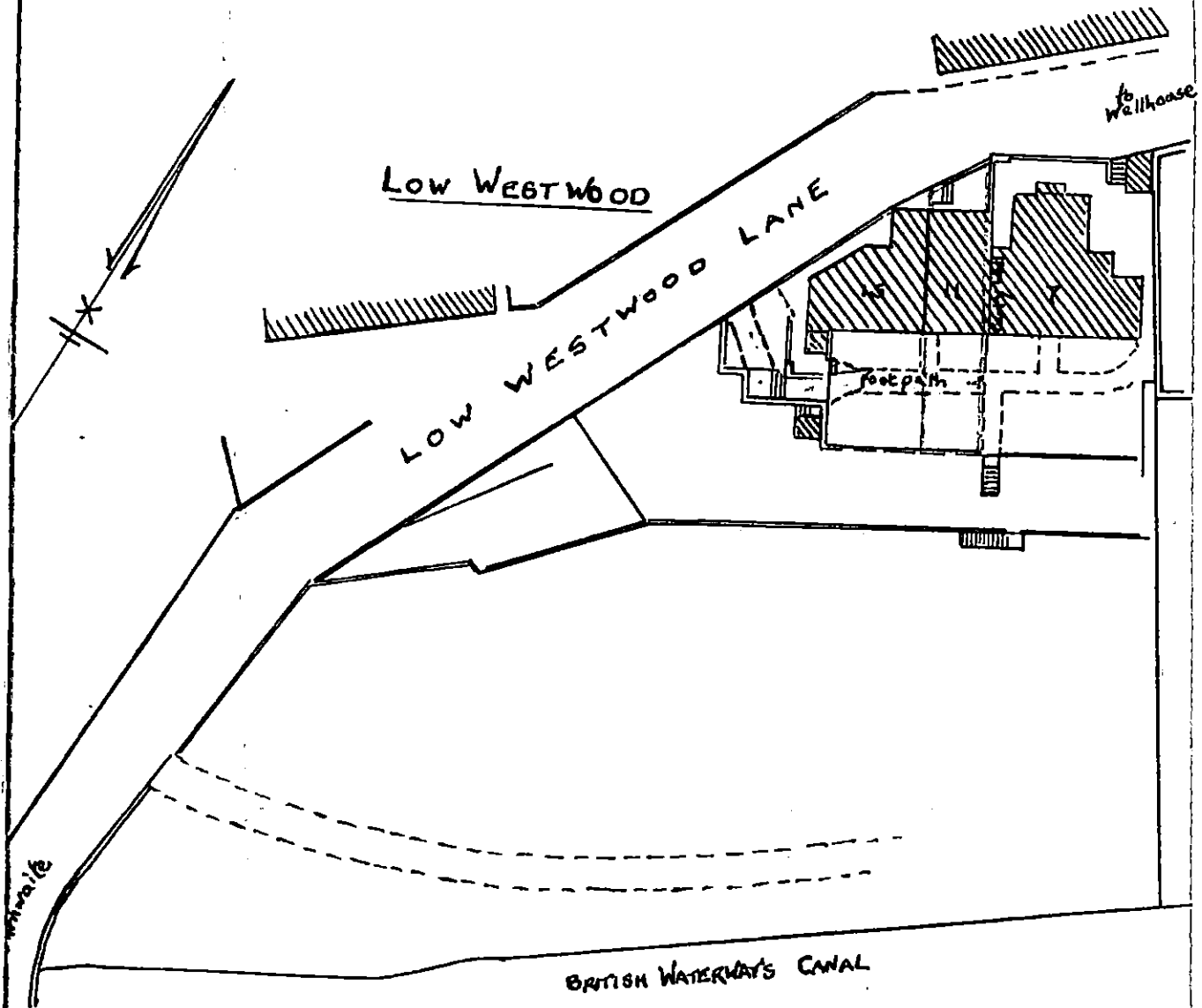
issues continue to be a problem as between you and the new owners, the new owners will be looking to the for help and assistance with resolving the matter.

Can you let me know what you want to do regarding the situation? Do you want:-

1. To leave matters as they are;
2. To approach the next door neighbour yourself and explain the situation; or
3. Me to write to the neighbours on your behalf along the lines of the original letter to the

Sent by solicitor 11 Low Westwood
Belonging to my deeds

PLAN REFERRED TO

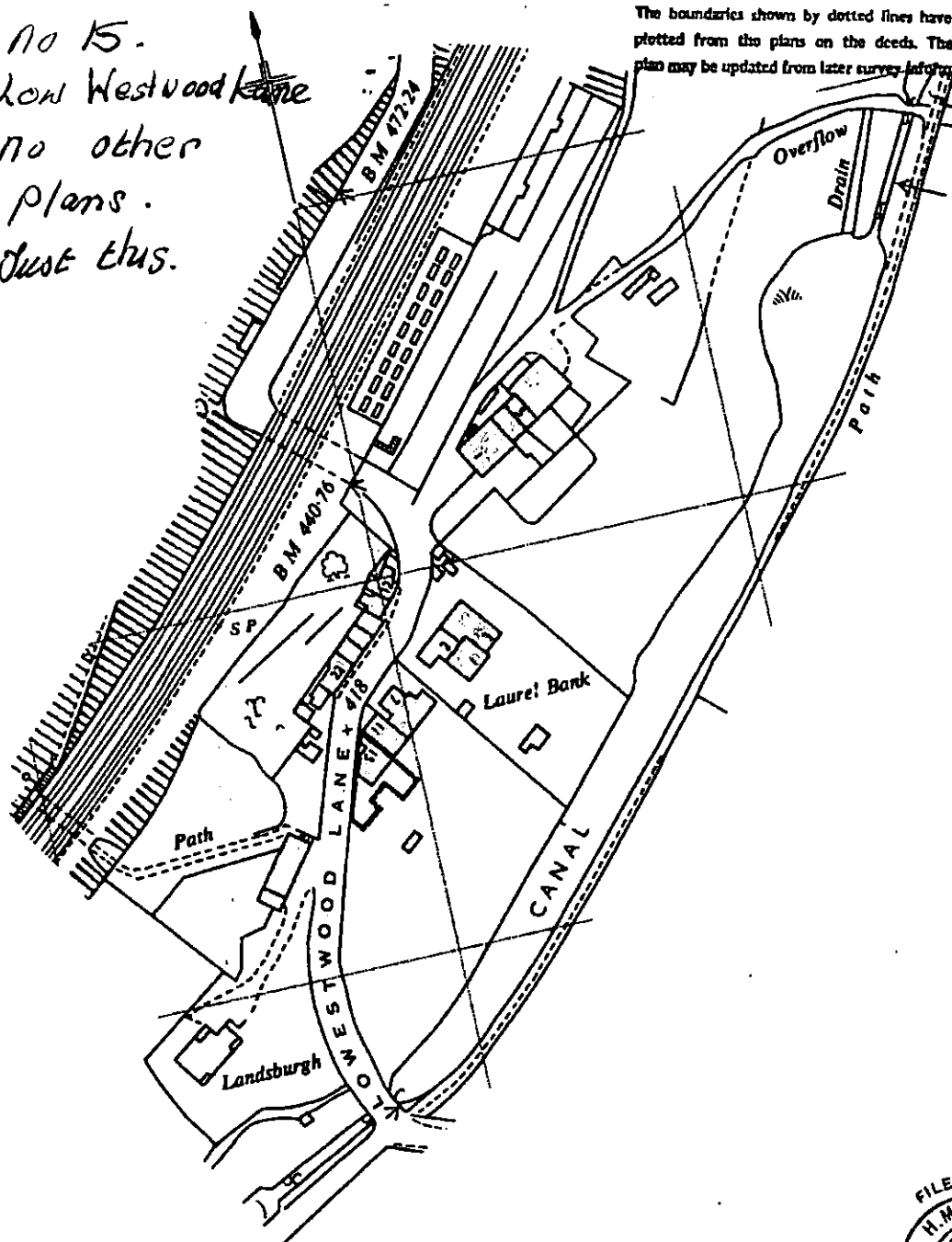


Scale 44 Feet to an Inch

H.M. LAND REGISTRY		TITLE NUMBER	
		WYK 354771	
ORDNANCE SURVEY PLAN REFERENCE	COUNTY	SHEET	NATIONAL GRID
	WEST YORKSHIRE		SE 0914
Scale: 1/1250 Enlarged from 1/2500 KIRKLEES DISTRICT			SECTION L
© Crown copyright 1973			

No 15.
Low Westwood Lane
no other
plans.
Just this.

The boundaries shown by dotted lines have been plotted from the plans on the deeds. The title plan may be updated from later survey information.



This is a copy of the title plan on 24 JAN 2022 at 11:57:36. This copy does not take account of any application made after that time even if still pending in HM Land Registry when this copy was issued.

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demanding

*that ~~me~~ ^{he} explain everything
and these are the answers.
to his letter.*

3.0 Fence between 15 and 11 in the gardens

Originally the gardens were open plan, there was a lawn in front of numbers 7 and 11 and 15. Numbers 7 and 11 had a short path leading from their back doors and joined the path that ran parallel in front of all three houses, the path was used to access a wide low gate which led to a virtual path across ground to Lowestwood Lane, this was the right of way for number 7 and 11 which was written in the deeds and shown on plan of the 2 houses. There was a larger lawn at the lower side of the long path, the lawn served no purpose as it fell away steeply down to a terrace owned by number 7. It was agreed by the occupiers of all three houses that we would all like our own individual gardens. No 7 owned the land which ran down the left side of my garden, there were 2 deep stepped terraces which ran below the land belonging to myself and number 15. Each garden was to be divided by a fence and include gates in line with the path for number 11 and 7 to gain access to the right of way. Numbers 11 and 15 decided to build a high wall at the bottom of the garden and filled in with rubble to make the land level, then topped with soil and lawn turf. It was agreed with number 15 where the fence should be erected and the post to support the fence should be placed between the adjoining house walls. It was agreed that we would pay for the fence and gate as it was for our use to gain access to the right of way. This work was carried out in 1992. The fence and post which was secured to my house wall and the wide gate was removed without consultation or warning from your mother, she employed a builder to do this work. Yet again I should have been informed at least 2 months beforehand of the work to be carried out as a reputable builder would be familiar with this. My gate or fence were not in disrepair, I would have replaced them if so. The builder removed my fence and did not replace it in line with where the old fence had stood. The fence post was removed and replaced, but not where the old post was sited but almost touching my doorstep, by doing this it caused a problem as it would have to meet up with the gateway, the fence was run diagonally to the path, a new gate was installed, this also caused a problem as the gate was narrower than the original wide gate, and to bridge the gap a post was used which are normally used to hang farm gates from. Your mother then had a raised bed built up against the fence filling it with shrubs and trees. This stopped any attempt to move the fence in the correct position. Your mother sent a text explaining why the fence had been placed on my property. the previous owner of number 15, had over egged the concrete that held the original fence posts in position and the new posts had to be placed at the other side of the concrete on my land. The old posts have been removed and a new fence has been erected. The concrete that was over egged was nowhere to be found. A screenshot was taken of your mother's text and kept on file. When the old wooden playhouse was removed along with tall shrubs bordering the longer fence, it revealed that the original fence was in a terrible condition, most of the lats were broken and the fence was way past being repaired. I spoke to your mother and told her that the old fence would be removed and a new fence would replace it, this would match the fence between numbers 7 and 11 which divided the properties. Number 7 had already replaced their new fence in March 2014.

My fence was painted with the colour sage, and number 7 agreed I could paint their fence the same colour to match. Your mother told me that she did not want a new fence as this would damage her climbing plants. I pointed out that the old fence had been erected and paid for by my late husband. The day after I spoke to your mother and told her that the old fence would remain and my new fence would be erected and run alongside it. Days later your mother told me that the old fence could be removed as her climbing plants were growing up a trellis and not the fence. As the problem was still ongoing regarding the gate and shorter fence attached to my house, I agreed that the old fence would be removed after had replaced the old fence attached to my house wall and a new wide gate the width of the path was installed. Your mother told I he had to avoid damaging her trees and shrubs. This posed a problem as tree trunks were almost touching the fence and earth needed to be removed to enable to build the new fence in the correct position.

4.1 History

Number 11 Low Westwood has remained in my family since ¹⁹⁶⁸~~1988~~. When I took possession of this house. I was brought up at Roydhouse directly across the valley from this house. As my grandfather kept hens in a field next to 3 and 3a Lowestwood, my parents and I fed the hens when my grandfather went away on holiday. My mother loved this area and the houses overlooking the canal. I rented this house for myself in 1989. the house had three double bedrooms. I invited my parents to join me, as I planned to live at number 11 only for a short while, and they could remain living there after I left. I am well aware of the history of this house and the right of way. Originally this house was owned by I who owned most of the cottages in this hamlet. Eventually the cottages were sold one by one, and my parents bought this property. When your mothers house became vacant sold the house to

Number 15 had fallen into disrepair and required improvements to make it habitable. There was an old wood and glass porch which was unsafe, this was demolished and replaced with a stone porch. Once the house was habitable moved in to number 15. This was long before the garage belonging to was built. I remember clearly the original right of way, by following the path across the land of number 15s garden there was a gate and passing through the gate there was a virtual path across land leading to Lowestwood Lane. wanted to build a garage on the land where the virtual path ran, this showed on mine and number 7s deeds and plan, At that time permission was required from my father and as it would affect the virtual path on the land, this was agreed and signed for and was entered on the deeds, on plan the virtual path was not changed. Beyond the gate which led to the right of way, there were paving slabs on an uphill gradient with risers that were barely noticeable. laid the slabs, this was to allow his large lawn mower to be wheeled out of the garage and down the slabs through the gate and onto the lawn. The slabs shown on your photographs on page 9. The right of way was used for delivering large items or removing them from the houses as vehicles could back in from the road inbetween the garages. This was more practical and quicker than trying to manoeuvre large goods through my front door which is virtually impossible, due to the layout of my house, you asked me about this in one of your texts, I told you exactly the layout of my ground floor.

4.2

The sale of your house is between you and the estate agent.

shrubs and trees without getting soaking wet. Crossing the path to the gate that borders yours and my property was difficult even for an able bodied person to pass through, it was like an obstacle course. As stated you are looking back at old plans and surmising. Between 1989 and 1992 I have seen changes over the years, but the right of way remained the same. The 2' drop between your garden wall and the land owned by number 7 there were two deep terraces with a sheer drop, the photos on page 9 show there was plastic netting stretching across the land from the barbeque to the trees, at that time there was no soil 2' higher than your garden as it would have filtered through the netting. When number 7 made their own path that leads to their land and garage, there was left over soil and this was used to level the ground and make it more accessible to the path. The lay of the land was totally different to what you see now. You mention the step down from the patio to my gate, as my garden is being re-designed to make it safer due to _____ and for me to enjoy, the step will also be included in the plan.

Photo on page 8

The close up photograph shows the tree near the garage is situated at the side of the garage wall as shown on page 9, as there was an easement allowing the garage to be built the tree was planted afterwards. You did not have to weave past the tree as I have already stated this did not cause a problem by blocking the virtual right of way path.

Photo on page 9

This shows the original wide gate between my garden and your path, also shown is the gate leading to the virtual right of way. The steps shown are paving slabs, once through the gate, there were no obstructions and you could walk across the land between the garages, (_____ garage can be seen in the background) this led to Lowestwood Lane.

Page 10

Plan

Page 11

Photo

I do not agree with you that this is an improvement, maybe for you but not for me. This photograph was taken in winter before the deciduous trees and shrubs had opened their leaves. What is obvious is that the planters which obstructed the path and patio have been moved before taking this photo.

Page 12

4.3

was contacted regarding the right of way in 2007 stating you could not build across my right of way. You chose to ignore a copy of this letter sent to you or even seek help to find out if this could be legally done. My deeds and plan show my right of way coloured in brown. I have not agreed or signed any legal documents in agreement allowing my right of way could be changed.

4.4 Accessibility

In damp and wet weather your patio is treacherous and slippery, Your mother admitted this herself. It is not safe to walk across, there were large planters everywhere and trying to pass them from the gate across the patio down the steps with planters sitting on them, if it was wet weather you had to weave your way between planters, it was unavoidable to brush against the shrubs and trees without getting soaking wet. Crossing the path to the gate that borders yours and my property was difficult even for an able bodied person to pass through, it was like an obstacle course. As stated you are looking back at old plans and surmising. Between 1989 and 1992 I have seen changes over the years, but the right of way remained the same. The 2' drop between your garden wall and the land owned by number 7 there were two deep terraces with a sheer drop, the photos on page 9 show there was plastic netting stretching across the land from the barbeque to the trees, at that time there was no soil 2' higher than your garden as it would have filtered through the netting. When number 7 made their own path that leads to their land and garage, there was left over soil and this was used to level the ground and make it more accessible to the path. The lay of the land was totally different to what you see now. You mention the step down from the patio to my gate, as my garden is being re-designed to make it safer due to and for me to enjoy, the step will also be included in the plan.

Photo on page 8

The close up photograph shows the tree near the garage is situated at the side of the garage wall as shown on page 9, as there was an easement allowing the garage to be built the tree was planted afterwards. You did not have to weave past the tree as I have already stated this did not cause a problem by blocking the virtual right of way path.

Photo on page 9

This shows the original wide gate between my garden and your path, also shown is the gate leading to the virtual right of way. The steps shown are paving slabs, once through the gate, there were no obstructions and you could walk across the land between the garages, (garage can be seen in the background) this led to Lowestwood Lane.

Plan

The land you purchased does not appear on your deeds. It does show on number 7s deeds that it was transferred to your mother and is shown on number 7s plan

Page 11 Photo

This photo is now irrelevant

Page 12 Photo

I can see this is a solid patio, but this does not change anything. It has been taken in winter. You have extended your patio across the full width of the wide gate shown on page 8. I do not consider this as a small variant, the steps leading to your patio and gate are no comparison to the original right of way.

Page 13 Photo

Anyone trying to deliver large goods through the arched gate poses a problem, the arbour in my garden was too large to fit through the gate comfortably and the people who delivered this did not want to risk carrying it across the patio and down the steps for fear of damaging plants and planters on the patio steps and along the path, they deemed that my gate which your mothers builder fitted would be too narrow to get the arbour through. The arbour had to be dismantled and taken through my front door.

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Photo

I can see it is a solid patio, but this does not change anything. The photo is taken in winter, when the trees and shrubs were dormant. You have built your patio across the full width of the wide gate shown on page 8 I do not consider this is a small variant, you have to take into consideration that the steps to the patio gate have totally changed.

Page 13

Photo

Yet again this shows the trees and shrubs are dormant. When all these are in full bloom the branches grow across the path and patio. Anyone trying to deliver goods through the arched gate poses a problem, branches and shrubs are in their path, delivery people are afraid to pass in fear of damaging the plants and planters. These people had to try and carry goods down the steps which they found difficult, walk on the path which again was obstructed by planters, then through the narrow gate which did not span the path.

There is an ordnance survey plan attached to your deeds, this does not show anything in detail about your house. I sent you a copy of my deeds and plan. I assume you drew the plans you submitted to me by copying mine and number 7s plans, before they removed their right of way as shown on their plan in 2010.

You stated that 2 solicitors confirmed that minor variances on a right of way are generally accepted, and does not require to be documented, so long as it does not reduce anyone's ability to use it in the way intended. You have not included any correspondence or when this law came into force relating to this. If this is the case this means that my father and I did not need to allow [redacted] to build a garage across the virtual right of way, as this was a minor variance. The letter from [redacted] in 2007 stating you could not build over the right of way was also incorrect. To me my family and anyone else who remembers the old right of way do not consider this as a minor variance. The original right of way where the gate divides it from your property has been built across, it is not at the same level, and to gain access to the virtual path has now been moved across your patio next to the garage. It was safer to use the right of way as on the plan, there were no slippery surfaces to walk across, it was easy to carry garden rubbish bags to the road, now I have to take the rubbish bags through my house to the roadside.

HM Land Registry

Current title plan

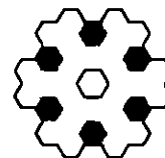
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Ordnance Survey map reference **SE0914NE**

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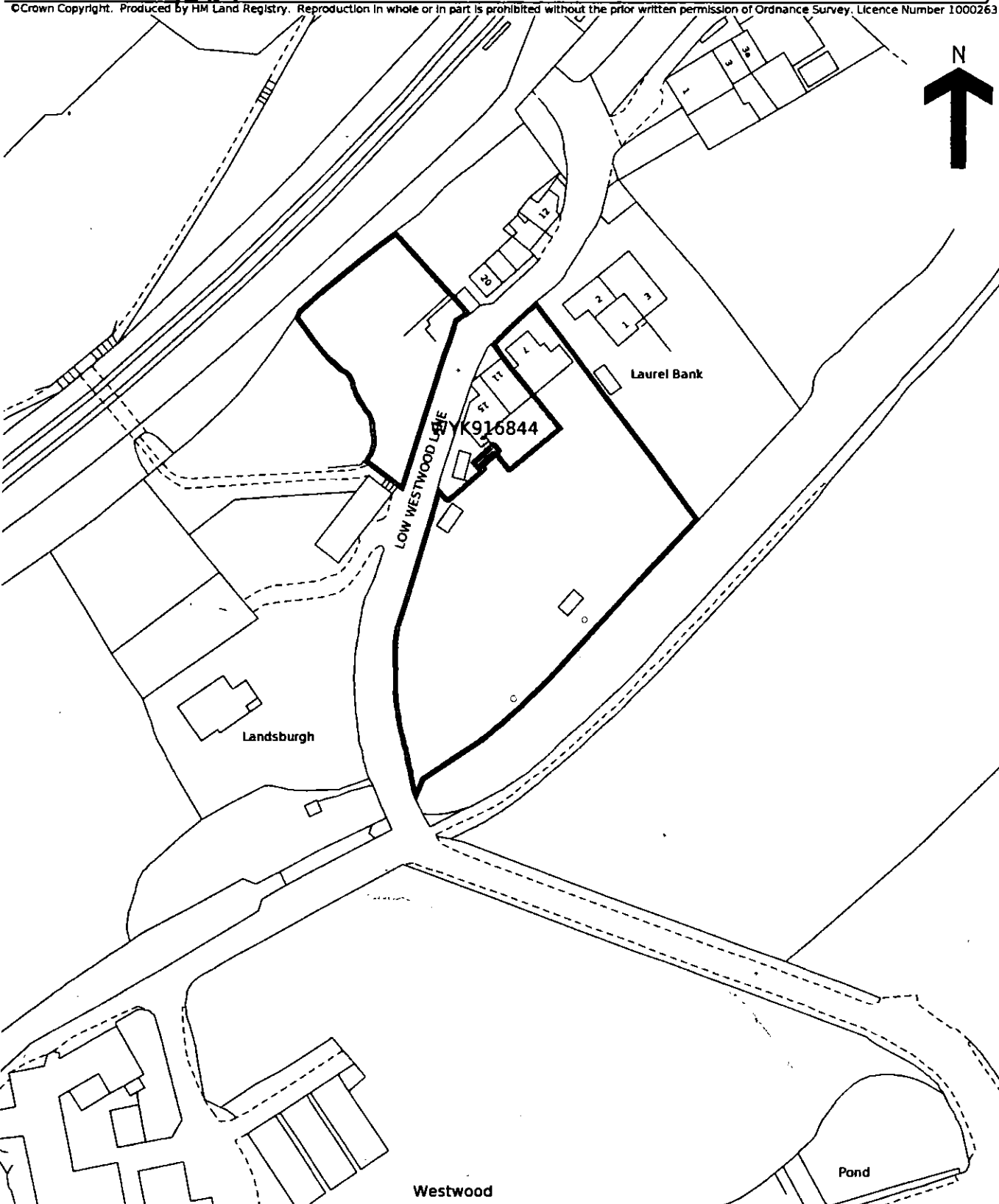
Administrative area **West Yorkshire :**

Kirklees

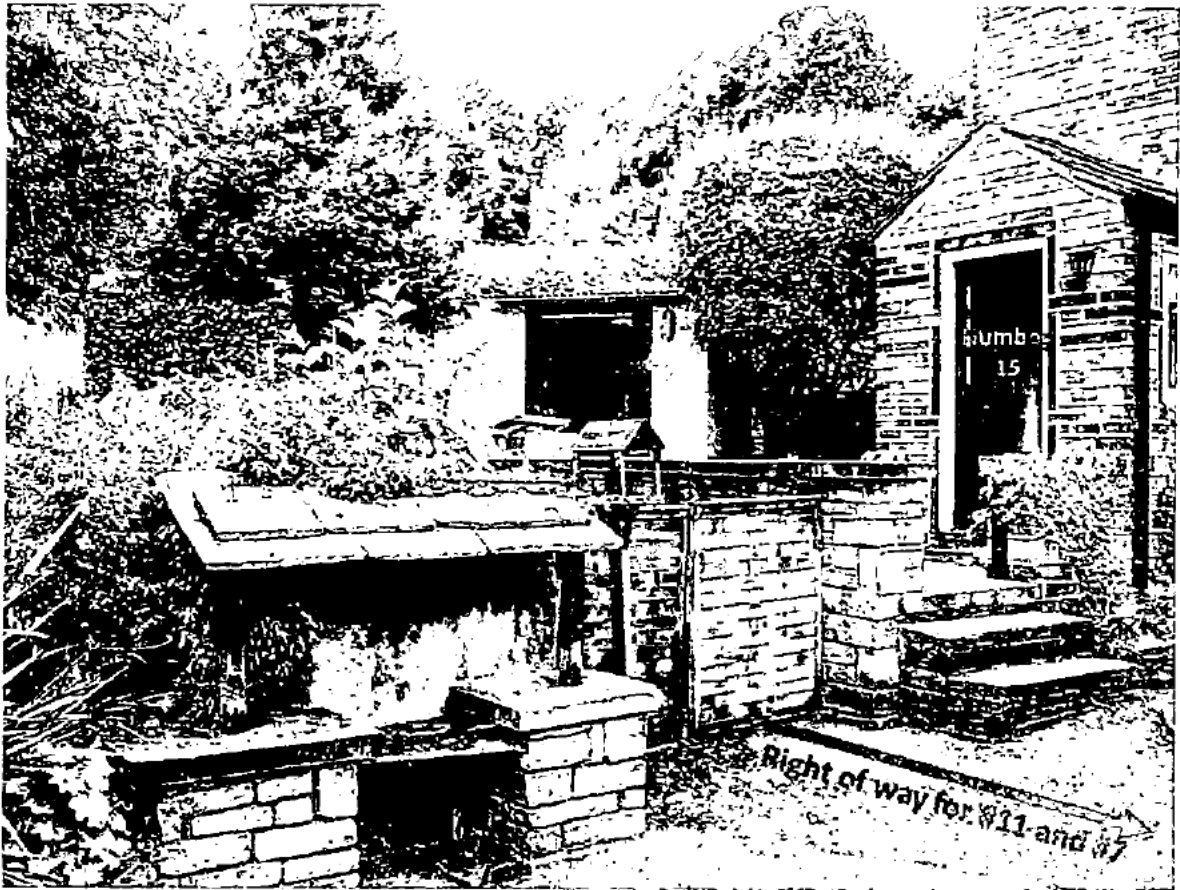


*no 7
low westwood*

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Copy. photos taken
of the old right of way by number 7



However, if we look at it from another angle though, you can see the 3 steps that were also there on the other side of the gate. In the next photo, I've marked the right of way. I can see that you had to weave past a tree, down 3 steps into a hollow and then through the old gate and across the tarmac in my Mum's garden. The route has steps as well as a tree in the way (owned by number 7), an old gate and is not straight at all making it harder to navigate.

~~Wrong.~~ ^{Gronmon garage} Try behind

tree
This is a sample of
of what I was receiving
from



Photos, Old right of way