

3w

2 Yew Tree Walk,
Effingham,
Surrey KT24 5AA
01372 454622

DATE RECEIVED
~~106093~~
09 NOV 2011
68567
BUSINESS SUPPORT

Mr J Hilder
Area Highways Manager
Surrey Highways
West House
Merrow Lane
Guildford
Surrey GU1 1FA

CWFW / ~~RESA~~
HAND

7th November 2011

Dear Mr Hilder

From: Yew Tree Walk Residents Association

In response to your recent letter we are pleased to attach our formal REQUEST FOR REMOVAL OF PUBLIC RIGHTS OF WAY OVER YEW TREE WALK, EFFINGHAM for your consideration. This was checked through with your colleague Mr Taylor before circulating for signature. We apologise for the delay in submitting this but we have been waiting to obtain the signature of Mr Clare of Stone Cottage, but unfortunately he has been ill in recent weeks. However Stone Cottage is locate on The Street and is not one of the properties immediately affected. It is also one of the properties that has already dedicated its frontage to SCC, so we decide not to delay this request further, but to proceed without Mr Clare's signature. All other members of the Association have signed.

Should there be any questions please contact either me or my colleague owner Keith Cornwell (01372 456980).

Yours sincerely

Jean Sheldrick (Mrs)
Secretary

REQUEST FOR REMOVAL OF PUBLIC RIGHTS OF WAY OVER YEW TREE WALK, EFFINGHAM

Introduction

This document is produced in response to a dispute between Surrey Highways and the residents and owners of Yew Tree Walk (YTW), Effingham. The residents of the thirteen houses that make up this community have been under the impression for several decades that YTW was a private road, whilst SCC contested recently that it was a public highway. A course of action was suggested by SCC that the road could be 'stopped up' by a formal legal process that enables the road to become a private road. This document is prepared to commence the process and contains all supporting information.

That attached map (appendix A) shows the area in dispute – the yellow area which is land owned by the owners of Corner Cottage and number 1, 2, and 3 YTW. No other land is involved. The southern boundary of YTW is indentified by a wall. The YTW owners believe that a notional line from the end of the wall to the front of the nearest YTW building facing The Street would be the appropriate future division between YTW private property and SCC property. This would allow adequate space in The Street for traffic movements.

The resident have always been under the impression that the road was private, a view strengthen by letters from SCC, one dated 6 July 1983 from J W Amys, Area Engineer and another dated 20th November 2002 from K M J Love, Principal Engineer, each stating that YTW was private (copies at appendices B and C). Because the residents believed the road was private, they have undertaken all maintenance and cleaning that has been necessary (copy invoices totalling £5,892.63 for resurfacing are at appendices D and E). SCC has not had to carry out any cleaning or maintenance tasks.

Future maintenance

Yew Tree Walk Residents Association (YTWRA) already exists and has functioned for several decades, funded by residents making an annual contribution. YTWRA employs contractors to regularly maintain the grassed areas in front of YTW houses and it was this Association that has carried out the cleaning and maintenance tasks for YTW roadway as well as entering into associated insurance and other contracts related to the estate. YTWRA will continue taking responsibility for all future highway and drain maintenance.

Utilities

There appears to be no utilities of any kind under the area concerned, only the road surface drains. All sewer drainage runs under the grassed areas in front of the YTW houses and between the blocks of the YTW buildings, exiting to The Street sewers down the north side of Yew Tree End. A similar route is taken by the water supplies. There are no known telecommunication routes. There is no street lighting.

Residents and Owners' Agreement

We the resident and/or owners of properties in Yew Tree Walk wish the area indicated on the attached map (appendix A) to cease to be a highway and wish the Surrey County Council to apply to the Magistrates Court for an order stopping up the road as a highway. This would be west of a notional line from the end of the wall on the southern boundary of YTW to the front of the nearest YTW building facing The Street. The balance of the area involved to the east will remain as part of The Street and will continue as a highway maintained at public expense.

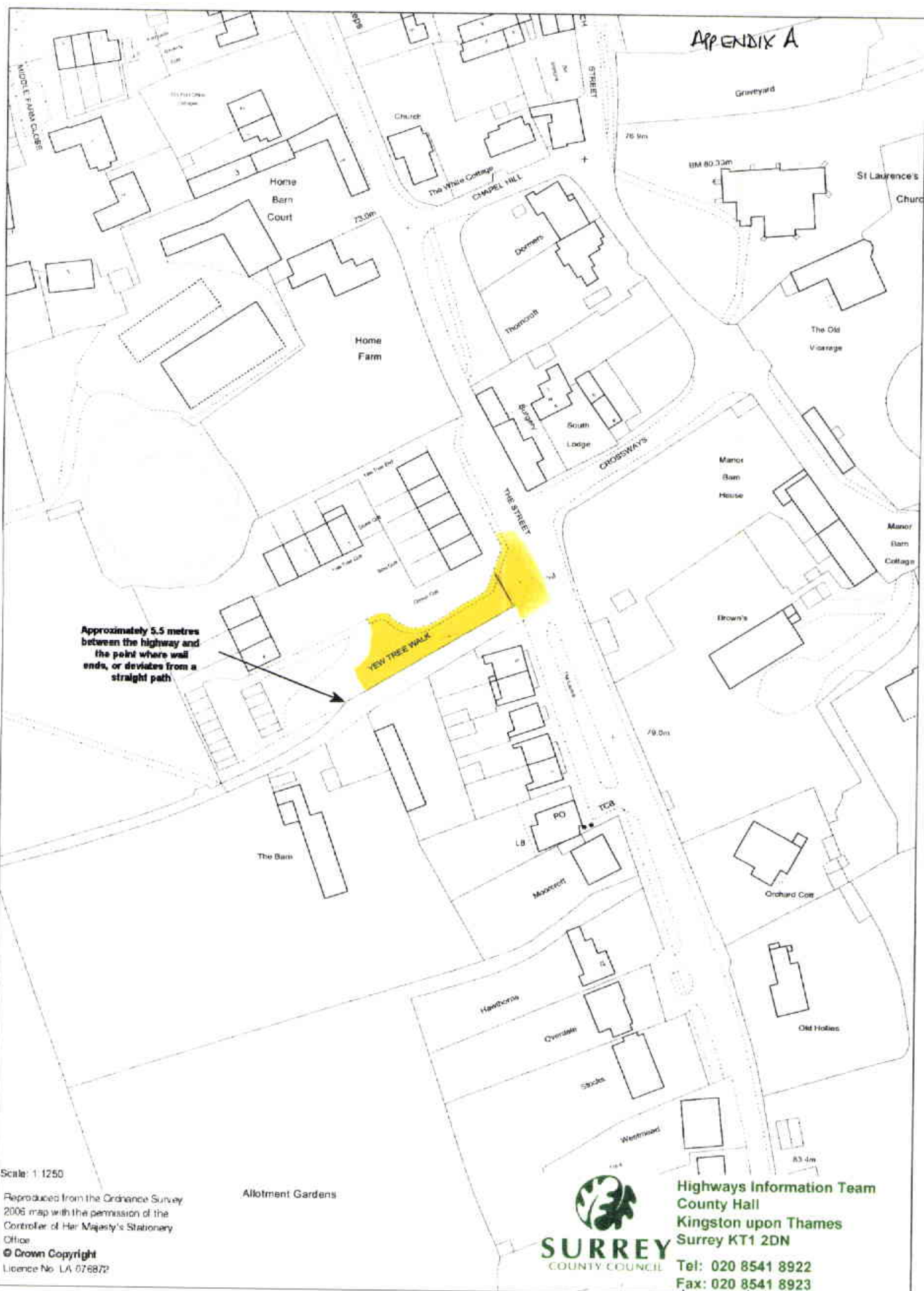
Five houses of YTW face The Street and therefore have this as an address, however their garages are in a block at the end of YTW and they use YTW as access to these and parking as necessary.

We agree to bear any costs associated with this application and all future maintenance of YTW.

Address	Owner and/or Resident	Signed
Yew Tree End, The Street	Dr J Davies	<i>J. Davies</i>
Stone Cottage, The Street	Mr G Clare	
Yew Tree Cottage, The Street	Miss A Grobel	<i>A. Grobel</i>
Bow Cottage, The Street	Mrs C Acres	<i>C. Acres</i>
Corner Cottage, The Street	Mr J Gorman	<i>J. Gorman</i>
1 Yew Tree Walk	Mrs J Green	<i>J. Green</i>
2 Yew Tree Walk	Mrs J Sheldrick	<i>J. Sheldrick</i>
3 Yew Tree Walk	Mr K Cornwell	<i>K. Cornwell</i>
4 Yew Tree Walk	Mrs M Muriel	<i>M. Muriel</i>
5 Yew Tree Walk	Mrs C Barlow	<i>C. Barlow</i>
6 Yew Tree Walk	Mrs P Bradley	<i>P. Bradley</i>
7 Yew Tree Walk	Mr McFall	<i>McFall</i>

Dated:

APPENDIX A



Approximately 5.5 metres between the highway and the point where wall ends, or deviates from a straight path

Scale: 1:1250

Reproduced from the Ordnance Survey 2006 map with the permission of the Controller of Her Majesty's Stationary Office

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Allotment Gardens



Highways Information Team
County Hall
Kingston upon Thames
Surrey KT1 2DN

Tel: 020 8541 8922
Fax: 020 8541 8923



SURREY
COUNTY COUNCIL

County Engineer's Department
West Area Office
West House
Merrow Lane
Guildford
GU4 7BQ

J.W. Amys C.Eng., M.I.C.E.
Area Engineer

J F Gorman Esq
Corner Cottage
The Street
EFFINGHAM
Surrey

Your ref:

Our ref: GB/IW/8/7/58

Date: 6 July 1983

If telephoning please ask for:

Mr G Bennett

Guildford 503151 Ext: 235

Dear Mr Gorman,

YEW TREE WALK, EFFINGHAM
MAINTENANCE OF BOUNDARY WALL

(D 882)

We are in receipt of a copy of your recent letter with regard to the boundary wall adjacent to Yew Tree Walk, Effingham.

Your letter was passed to us by Guildford Borough Council as Surrey County Council are the Highway Authority for this area.

Regretfully we have to inform you that both the wall and Yew Tree Walk are private and not maintainable at public expense and unfortunately therefore we are unable to assist you in this matter.

Yours sincerely

A handwritten signature in dark ink, appearing to be 'J.W. Amys', written over a horizontal line.

Area Engineer



SURREY
COUNTY COUNCIL

Tel: 01483 503151
Fax: 01483 517506
Contact: Mr K Love
Ext: 517547

Mr J F Gorman, Chairman
Yew Tree Walk Residents Association
24 Beechwood Park
Leatherhead
Surrey
KT22 8NL

*Local Transportation
Service
Guildford*

South West Area Office
Grosvenor House
London Square
Cross Lanes
Guildford
GU1 1FA

Our ref: KL/D882/10752

20th November 2002

Dear Mr Gorman

RE: YEW TREE WALK, EFFINGHAM – HIGHWAY STATUS

Thank you for your letter dated 8th November and subsequent plan you sent on the 15th November 2002 requesting information on the status of Yew Tree Walk, Effingham.

We have consulted our records and we can confirm that Yew Tree Walk is a private road. It has never been adopted as a public maintainable highway and therefore is privately maintainable.

Regretfully we do not keep records of ownership of private roads we can only suggest you check the deeds to your property's to endeavour to establish who owns the road and who is responsible for its maintenance.

Yours sincerely

K M J Love
Principal Engineer (Guildford Maintenance)



TTS

TIM TODD SURFACING LIMITED

Newmarsh Farm · Horsley Road · Cobham · Surrey · KT11 3JX

Office: 01932 590444 · Fax: 01932 590466

www.timtoddsurfacing.com

Client: Yew Tree Walk Residents Associations
FAO Mrs Jean Sheldrick
2 Yew Tree Walk
Effingham
Surrey
KT24 5LJ

Invoice no. TTS2350

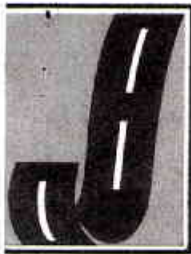
Date: 24th September 2010

DETAILS	TOTAL COST
As per quote 3090	£3,480.00
<p>UTR 36091 15117 Barclays Bank - 20-29-90 Account Number - 00008478</p> <p><i>cheque paid in 10/10 J. L. A. J.</i></p>	

NB: All cheques are to be made payable to
Tim Todd Surfacing Limited. Payment to be
Received within 14 days of invoice date.

TOTAL NET	£3,480.00
TOTAL VAT	£609.00
TOTAL VALUE	£4,089.00

All works carried out by Tim Todd Surfacing Ltd are guaranteed for a period of 1 year for material failure but excludes oil and chemical spillage or inappropriate use.



JENNINGS SURFACING LTD

APPENDIX E

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CARMEL, 9 THE BEECHES, FETCHAM, SURREY KT22 9DT
TELEPHONE: 01372 383311 FAX: 01372 383322

Mr. Gorman
24 Beechwood Park
Leatherhead
Surrey KT22 8NL

Date: 6th June 2004

Invoice No: 11473

Re: Yew Tree Walk, Effingham

To carrying our surfacing work as per quotation.

	SUB TOTAL	£1,535.00
17.5%	VAT	268.63
	TOTAL	£1,803.63

paid 15-6-04
[Signature]