

Brentham Society Advice Sheet:

TWITTENS



SUMMARY

- Twittens are often, but not always, owned by the houses on either side - check your deeds.
- Neighbours have a 'right of access' along the twitten, which must be respected.
- Maintenance should be agreed among users, if possible, as allowing twittens to become overgrown encourages rubbish to be dumped.
- Any changes to twittens will need planning permission.

BACKGROUND:

Brentham Estate was laid out with a network of paths (TWITTENS) leading to the rears of houses and across the backland plots. This was a deliberate design that had several functions in the concept of the garden suburb planning:

Hygiene and visual Management: To allow the utilitarian clutter of domestic living to be safe and hidden from the street scene. Bicycles, prams, and dustbins were all to be kept at the rear of the houses so that the street views remained attractive, the equipment secure and the householder responsible for cleanliness and safety. Garden Suburb architects had observed that many clean and attractive urban dwellings, once inhabited, rapidly deteriorated as bins and other items were left in front gardens. The pride in keeping an attractive frontage disappeared as the residents used the front gardens for storage. Where there were separate areas for dustbins at a distance from mid-terrace houses the owners of the bins could cause a nuisance to those who lived near the bin stations by overfilling etc.

For this reason, every house in Brentham had a rear path that allowed a bin or bicycle to be brought to the front when necessary but kept in the owner's garden out of the way of others. Until the 1980s all the bins in Brentham were collected, emptied and returned to rear gardens by council dustman. Residents had to remember to put their bin outside their rear gate or leave the gate unlocked and the bin near it. Later residents were required to bring bins to their front gate. Fencing was not allowed so that paths had an attractive rural character rather than the urban "back ally" appearance of a passageway hemmed in by fencing. The paths allowed maintenance of boundary hedging.

Social Management: The small access paths and the wider paths through the estate were intended to create a sense of shared space that meant that people knew who their neighbours were and had a stake in the good management of all the areas of the estate. The few that mistreated the paths by blocking them with rubbish, uncut hedges or allowing dustbins to overflow were dealt with by the tenancy agreements and could lose their tenancy.

Good management of the paths was an important factor in making the area an attractive place to live. It was rare to find such a clean and pretty setting for such modest houses—and that remained true after WW2. Many 1930s council estates had more modern houses but, by the 1950s, were often blighted by bins and rubbish in front gardens and ugly fenced back alleys.

Post Conservation: Since most of the lands and houses are now in private ownership the management of the paths is more difficult as misuse will need to be pursued by the householder affected using the law relating to EASEMENT or ESTABLISHED RIGHT OF WAY or USE. The owner of a path is usually required to allow it to be used by those residents whose land and/or houses have always had its use for access as that property has acquired a right of way by habitual use. In addition, conservation policies value the original character of the paths and the hedges, so a planning application is needed to build on a path or hedging to be replaced with fencing or any other change that alters the appearance. This is usually refused.

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Gating or other visual change also requires a planning application. The history of the path, how residents are likely to be affected and impact gating will have on the original concept of the estate layout and on conservation control will be considered. Closing off backlands is to be avoided as this can diminish the Article 4 protection.

Ownership: Some paths appear to have no known owner; however, access cannot be blocked to those who have established use and planning permission is still needed for development or alteration.

In the past most freeholders assumed that they owned up to the middle of a path adjacent to their land with the neighbour on the other side holding the other half and have usually managed the path on an agreed basis. However recently we have become aware that the situation is more complex:

Ownership may relate to how the property was originally sold after being held as a tenanted property. Some residents own the whole path next to their house and garden; some paths are owned up to the middle of the path and the resident who holds the land on the other side owns the other half. Sometimes it is found that it is owned by someone whose garden is not adjacent to it. It appears that when some houses were put up for auction by the Bradford Property Trust (now Grosvenor Estates) odd paths were sometimes included in the title deeds of houses some distance away. This is because the property company wished to divest themselves of these odd parcels of land.

As most paths have shared access with established use by two or more houses no path should be blocked or made difficult to use by anyone who has right of access over it. It is important that centre terrace houses maintain their right of access over any path that leads from their house to the street. Occasionally a resident allows a neighbour to block or misuse a path because they are not interested in using it themselves. This can cause problems when they sell the property because the right of way may have fallen into disuse and might involve the new resident finding they cannot use the path without costly and uncertain legal action.

CURRENT REQUIREMENT

Residents are advised to make sure their paths remain clear and well kept. It should be possible to wheel a bike, wheelbarrow or bin over a path without difficulty. Some paths have telegraph poles to which BT require access. In the event of a house fire access by the Fire Brigade may prove a life saver.

The Brentham Society can only give advice on the history and planning policies relating to the paths and any misuse that might involve needing a planning application. Residents are advised that they need professional legal advice on the situation regarding their particular property, a path and their rights of use.

A separate advice sheet is available on Boundaries and Pathways

For further advice contact advice@brentham.com