

DELEGATED FILE NOTE

CASE OFFICER: ...Thomas Howe.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
26/00383/LDCE	Front boundary brick wall and installation of gate and fencing.	12 Stevenage Road Knebworth Hertfordshire SG3 6AW

Submitted Plan Nos

Location Plan Pre-Existing Site Plan Existing Site Plan Pre-existing Elevation. Existing/proposed
Elevation

1.0 Policies

2.0 Site History

2.1 No relevant history.

3.0 Representations

3.1 No consultation required.

4.0 Planning Considerations

4.1 Site and Surroundings

4.1.1 The application site comprises No 12 Stevenage Road. As existing, the property benefits from a front boundary fence and driveway. A footpath borders the front boundary.

4.2 **Proposal**

- 4.2.1 A Certificate of Lawfulness (existing) is sought for the erection of a front boundary brick wall and installation of gate and fencing.

4.3 **Key Issues**

- 4.3.1 The key issues for consideration are whether the development would require a specific planning permission or be considered 'permitted development' in line with the Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 1 as amended.

4.3.2 ***A. The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.***

A.1 Development is not permitted by Class A if -

(a) the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed—

(i) for a school, 2 metres above ground level, provided that any part of the gate, fence, wall or means of enclosure which is more than 1 metre above ground level does not create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons;

(ii) in any other case, 1 metre above ground level;

The boundary wall is located in proximity to a roadside footpath. A modest strip of verge would intersect one of the walls from the footpath, however, the opposite wall has been built closer to the front boundary due to its angled nature, and would be immediately adjacent to the footpath. Research indicates that a roadside footpath is legally within and part of the highway. A highway, as it is a public route upon which the public has a legal right to pass. Given the proximity of the wall to the footpath, particularly when compared to the pre-existing fence, it is considered that the wall is adjacent to a highway, in this case, the footpath. The wall measures approximately 2m in height, and would therefore exceed the requirements within this criterion.

(b) the height of any other gate, fence, wall or means of enclosure erected or constructed would exceed 2 metres above ground level;

The wall would not exceed 2m in height.

(c) the height of any gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater; or

The development would exceed the height of the former fence and the height limits within paragraph (a). This criterion is therefore not complied with.

(d) it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building.

The proposal would comply with the above criterion.

4.4 Conclusion

4.4.1 A Certificate of Lawfulness (proposed) cannot be issued on the basis that the boundary wall measures approximately 2m in height and is adjacent to a highway and exceed the height of the former fence. Therefore, criteria (a) and (c), Class A, Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended would not be complied with.

1. A Certificate of Lawfulness (proposed) cannot be issued on the basis that the boundary wall measures approximately 2m in height and is adjacent to a highway. The wall also exceed the height of the former fence. Therefore, criteria (a) and (c), Class A, Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO) would not be complied with. The fence does not constitute permitted development and therefore does not benefit from deemed planning permission under Article 3 of the GPDO.

Signed  Shaun Greaves Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 17 April 2026	