

Pentangle Design Group

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Our Ref : 25/02922/DOC

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Date : 20th January 2026

FAO: Mr Jonathan Read

Dear Sir / Madam,

**Details of Condition : Details reserved by condition 6 (Landscaping and Boundaries) of planning permission reference 19/00103/FP granted 18.03.2019.
30a Nightingale Road, Hitchin, Hertfordshire, SG5 1QU**

This application is seeking the retrospective approval of details reserved by Condition 6 of planning application ref: 19/00103/FP for “*Erection of two storey building to provide two 2-bed flats following demolition of existing taxi offices*”. Condition 6 of this decision notice reads as follows:

“A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of that part of the development. The details shall include:

- (i) location, species and planting size of any proposed trees or plants;*
- (ii) proposed maintenance to establish the trees and plants;*
- (iii) any fences, hedges, walls or other boundary treatment;*
- (iv) the materials and location of all hard surfaces;*
- (v) any significant changes to ground level.*

Reason: In the interests of the appearance of the completed development and the visual amenities of the locality”.

An application was submitted and approved under application ref: 19/02715/DOC for landscape details as required by Condition 6. However, the approved details under this application are different to the on-site conditions, insofar as they relate to the erection of a 1.8m close boarded fence with concrete posts and gravel boards, which separates the driveway area from the access road to the west, and the erection of 3NO 1.2m steel posts separating the access road into the site and the neighbours due west. It is also understood that the fence and bollards are such that the western access road is now narrower than it was and should be for any reasonable use/access. This application is seeking to retain this fence and bollards in situ as required by part iii of Condition 6.

Under Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, permitted development rights relating to gates, fences, walls etc are set out as per the below (my emphasis added):

“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;

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

(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

(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 relates to the retention of a 1.8m close boarded fence and 3NO 1.2m metal bollards, which separate the access road between the site and the neighbouring access to the west. For the purposes of this site and application, given that the access roads are used by vehicular traffic (as occupiers of the site and neighbours have to use this access road to reach their parking spaces at the rear of the buildings), it is considered that this access road is a highway for the purposes of the GPDO 2015. In this instance, it is accepted that the fence and bollards are both more than 1.0m in height as therefore, they would not constitute permitted development under Part 2, Class A.

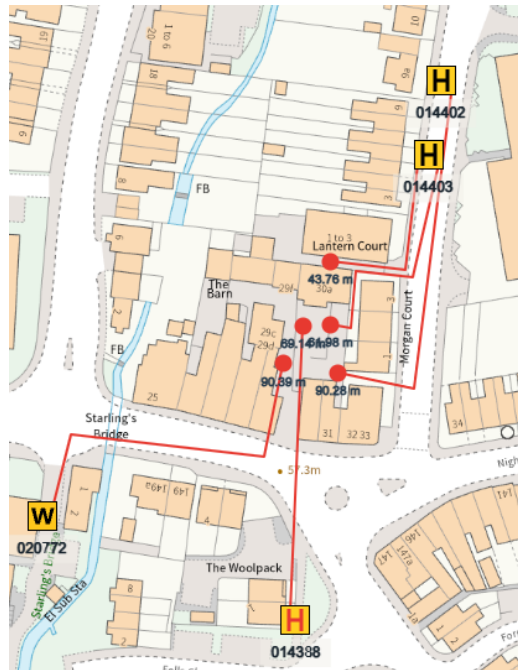
Moreover, Article 3(6) of the GPDO 2015 states as follows:

“(6) The permission granted by Schedule 2 does not, except in relation to development permitted by Classes A, B, D and E of Part 9 and Class A of Part 18 of that Schedule, authorise any development which requires or involves the formation, laying out or material widening of a means of access to an existing highway which is a trunk road or classified road, or creates an obstruction to the view of persons using any highway used by vehicular traffic, so as to be likely to cause danger to such persons”.

Consultation responses have been received from interested parties nearby, relating to the impact of the fence and bollards on the ability of a fire and rescue vehicle being able to suitably access and service the properties at this site (No's 26B, 29 and 29A), the designated rear parking area for No.26B, and the bin provision for No's 29 and 29A.

Taking the impact on fire and rescue vehicles first, the LPA has consulted with the HCC Fire and Rescue Service who have formally responded as follows:

“Due to a number of existing Fire Hydrants (x2) within the 90m radius, Hertfordshire Fire and Rescue service (hydrants only) have no further comment



It is understood that the approved fire access plan under the host permission is no longer possible due to the erection of the fence and bollards, as the bollards are sited where the fire engine would need to access for the horse to reach the dwellings in question, and the fence would obstruct the hose line as per the plan. However, as the above plan from HCC clearly shows several other hydrants in the immediate vicinity that can adequately service the site and given that HCC Fire and Rescue have not raised any issues, this matter appears to be satisfactorily resolved.

In relation to the impact of the development on the bin storage/communal arrangements, the Waste and Recycling Team were consulted, and no response has been received. It is asserted that the fence and bollards as built stops any vehicle access along the shared rear strip, which is understood to have been utilised by a bin collection vehicle to the rear of the property's due west of the site, which can no longer take place given the narrow width of the west side of the access road due to the bollards and fence. Whilst no comment has been received from Waste and Recycling, it is considered that these bollards/fence do obstruct the reasonable access of refuse vehicles to the immediate neighbours, which would result in an unacceptable and unreasonable refuse collection arrangement.

In terms of the impact of the bollards on the designated parking area for 26B, these bollards are not considered to constitute permitted development under Part 2, Class A given their height exceeds 1.0m whilst being adjacent to a Highway, but the bollards are also considered contrary to Article 3(6) as the bollards create an obstruction to the view of persons using any highway used by vehicular traffic, so as to be likely to cause danger to such persons, given that the bollards restrict the ability of nearby neighbours to park in their designated space and unsuitably split the site access in two. This is considered to add to the unacceptable siting or the 3NO bollards in this location.

Overall, taking the 1.8m fence and 3NO 1.2m metal bollards into consideration, it is acknowledged that both elements do not benefit from being permitted development under Part 2, Class A of the GPDO 2015. For the reasons set out above, the fence and bollards are considered unacceptable in planning terms given that they directly obstruct the reasonable access of refuse vehicles to the rear of all properties services by the access road to the west of the site and that they obstruct the parking arrangements of No.26B Nightingale Road, which is further contrary to Article 3(6) of the GPDO 2015.

The details submitted under this DOC application are therefore recommended for **REFUSAL**