

London Borough of Havering

# Domestic Vehicle Dropped Kerb Policy

April 2023

Author  
Date

## 1. Document Control

### 1.1 Sign Off and Ownership details

Document Name	Domestic Vehicle Dropped Kerb Policy
Version number	
Approved by	
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Date for Review	
Author	
Owner	Head of Highways, Traffic and Parking
Document Location	

### 1.2 Revision history

Version	Change	Date	Dissemination
V0.1			
V0.2			

### 1.3 Equality & Health Impact Assessment Record

1	Title of activity	Domestic Vehicle Dropped Kerb Policy		
2	Type of activity	Policy		
3	Scope of activity	Implementation of an updated policy on Domestic Vehicle Dropped Kerbs. The intended outcome is the adoption and implementation of a new policy which will provide the conditions for installing domestic vehicle crossings and design guidance, as well as ensuring safe access, with minimal impacts on infrastructure, the streetscape, and street trees. The policy will also protect pedestrian amenity and provide guidance on subsidy eligibility.		
4a	Are you changing, introducing a new, or removing a service, policy, strategy or function?	Yes	If the answer to <u>any</u> of these questions is 'YES', please continue to question 5.	If the answer to <u>all</u> of the questions (4a, 4b & 4c) is 'NO', please go to question 6.
4b	Does this activity have the potential to impact (either positively or negatively) upon people (9 protected characteristics)?	Yes		
4c	Does the activity have the potential to impact (either positively or negatively) upon any factors which determine people's health and wellbeing?	Yes		
5	If you answered YES:	Please complete the EqHIA in Section 2 of this document. Please see Appendix 1 for Guidance.		
6	If you answered NO: (Please provide a clear and robust explanation on why your activity does not require an EqHIA. This is essential in case the activity is challenged under the Equality Act 2010.)  Please keep this checklist for your audit trail.			

Date	Completed by	Review date
16/03/2023	James O Regan	

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## 2. Introduction

### 2.1 Purpose

- 2.1.1 The Domestic Vehicle Dropped Kerb Policy is aimed at ensuring that the Council take a consistent approach to decision making when assessing applications for domestic vehicle crossings under the Highways Act 1980, mainly regarding public safety and the impact on the street environment. [A Vehicle Crossing is defined legally within S184 of the Highways Act 1980 and is also frequently known as a 'footway crossover', 'footway crossing' or 'dropped kerb'].

### 2.2 Policy Summary

- 2.2.1 This Domestic Vehicle Dropped Kerb Policy brings together current guidelines, good practice, and legislation with respect to applications for and the provision of vehicle crossings. As part of the policy the Council seeks to address any adverse effect of crossings on the street-scene and ensure that applications are considered in a consistent and fair manner.

### 2.3 Scope

- 2.3.1 The scope of this Policy applies to:
- Properties where one or more, domestic vehicle crossings are required to be constructed to gain access from a constructed road carriageway to the property boundary.
  - The process for obtaining formal Council approval to modify an existing domestic vehicle crossing, or to apply for a new crossing; and
  - The construction and responsibilities associated with crossings.

### 2.4 Aims, Objectives and Outcomes

- 2.4.1 The aim of this policy is to define Havering's principles and procedures for the approval of Domestic Vehicle Dropped Kerbs. This policy is effective from April 2023 and supersedes all previous policies set by the Council.
- 2.4.2 The objectives of the policy are:
- To provide a vehicle crossing design that is uniform and practical.
  - To provide safe access with minimal impact on infrastructure assets in the road and street scene.
  - To provide requirements for subsidy eligibility.
  - To provide a safe amenity for pedestrians.
  - To protect existing street trees.
  - To ensure appropriate drainage and prevention of flooding

## 3. Policy

### 3.1 Vehicle Crossings

- 3.1.1 A vehicle crossing is the dropping of the footway kerb to the same level as the adjacent carriageway for a short length, creating a driveway linking the road to property and/or a site. Whilst many residents choose to create a hard standing in their front garden to park their cars within the curtilage of their properties, it should be noted that residents may have not been given permission to drive across the public footway or verge to access their off-street parking unless they have made a successful application for a vehicle crossing. A permitted and approved vehicle crossing is therefore important to ensure that vehicles can safely and legally pass over a public footway and/or grass verge to access their property, and/or a site.

### 3.2 Financial and Legal Implications

*Highways Act, 1980 and London Local Authorities and Transport for London Act, 2003:*

- 3.2.1 Residents wishing to gain access to park on their property by driving across the public footway must make an application to the Council under S184 of the Highways Act 1980 to have a vehicle crossing constructed.
- 3.2.2 Section 184 of the Highways Act 1980 allows for the construction of a new or an extension to an existing vehicle crossing. It is in breach of the Act to drive any mechanically propelled vehicle over

the footway without the construction of an authorised vehicle crossing. Any unlawfully constructed dropped crossings or evidence of driving across a footway or verge without the construction of an approved dropped crossing will result in legal action and / or enforcement by the Council against those found responsible.

- 3.2.3 In accordance with the Highways Act 1980, all reasonable costs incurred by the Council will be recovered from the applicant. Under S184 of the Highways Act 1980, the Highway Authority may execute the works and recover the expenses reasonably incurred by them in doing so. The Council may approve the request with or without modification; or may propose alternatives or refuse the request.
- 3.2.4 A vehicle crossing is never owned by the applicant or the freeholder nor does it form part of the premises' boundary. It remains the local highways authority's asset. It only provides a right of access and is part of the public highway and is maintainable at public expense i.e., by the Council.

### **3.3 Other Permissions**

- 3.3.1 Apart from the approval from the Council under the Highways Act 1980, the applicant may also require other permissions listed below:
  - a. Planning Permission.
  - b. Written consent from the landowner / freeholder, if different from the applicant.
  - c. All vehicle crossing applications will be checked against the Highways Register to ensure that the Council have the authority to construct the vehicle crossing. Vehicle crossings that are not wholly contained within highway land as shown by the Highways Register but are on land owned by the Council will need to be approved by the department which is responsible for the land in question. This approval needs to be obtained by the applicant.
  - d. Where it is unclear from the Highways Register who the owner of the land in question is, the applicant will need to approach the Head of Land and Property Services, to obtain an access licence. If the land is owned by Housing, the applicant will need to approach the area housing officer to seek approval to cross housing land and such permission must be given in writing. Please visit [www.havering.gov.uk/askenvironment](http://www.havering.gov.uk/askenvironment) for more information.
  - e. Applicants should familiarise themselves with permitted development rights regarding paving over front gardens. Any paving over of a front garden, more than 5m<sup>2</sup> area, will need planning permission unless it is drained sustainably (this means that surface (rain) water needs to run to a board, gravel, or grassed area where it can naturally drain and not be permitted to run on to the highway or to a nearby drain).

### **3.4 Environmental Implications**

- 3.4.1 It will be important that the introduction of dropped kerbs and crossings do not have any adverse implication upon the environment and any adverse effect upon climate change. Street trees will not be approved for removal to facilitate crossings. In exceptional cases, approval may be considered, and this would be conditional upon the viability of replacement with another tree at the applicant's cost as well as compensation being paid by the applicant in accordance with the CAVAT valuation process. CAVAT works by calculating a monetary value for existing trees, and then working out the average cost for newly planted trees. Exceptional cases, as an example, are where mobility needs necessitate the requirement for off street parking. In such instances a reduced crossing width may also be considered.
- 3.4.2 Vehicle crossings that require significant construction across wide grass verges or across highway amenity areas will be refused due to the adverse effect upon the environment and sustainable drainage. Such requests for tracks across green amenity spaces should be considered and funded as part of a separate scheme as their assessment is outside of the scope of the Dropped Kerb Policy.

### **3.5 Equal Opportunities Implications**

- 3.5.1 Where a person's disability necessitates a vehicle crossing to improve or facilitate access, these works may be funded by Adult Services in the case of a private property or by the Council in the case of Council owned property.

- 3.5.2 If the person lives in a Council property, the crossing will be requested by Adult Services on behalf of Housing and funded by the Housing Capital budget.
- 3.5.3 If the person lives in a private property and the cost of the crossing is more than £1,000 then Adult Services should process the crossing application via the Disabled Facilities Grant. When the cost is below £1,000, the crossing should be funded by the Adult Services Equipment & Adaptations budget.
- 3.5.4 Such applications will be prioritised for construction, usually within 4-6 weeks following approval. All other applications will be treated on a first come, first served basis, and will be installed within 16 weeks from application.

### **3.6 The Application**

- 3.6.1 Application forms can be obtained from Council's website. The application form can be found by clicking [here](#). The applicant may also use the Council's estimate calculator available on the website (the calculator can be found by clicking [here](#)) to obtain a guide price (This is only an estimate. An accurate quotation will be sent by the Council after assessing the application).

### **3.7 Assessment Criteria**

- 3.7.1 In assessing an application, the Council will undertake a site inspection and consider the following:
- a. Highway safety implications of implementing any proposed vehicle crossing point.
  - b. The size of the off-street parking area.
  - c. The impact of the crossing on the street's appearance.
  - d. The need to retain and protect highway trees.
  - e. Existing access provisions for off-street parking.
  - f. The impact within Controlled Parking Zones (CPZs) and potential parking stress to existing on street parking.
  - g. All affected highway assets
  - h. Sustainable drainage and flood risk
- 3.7.2 If the application meets all the criteria for approval, a quote for the works will be sent by the Council to the applicant. If the application does not meet the criteria, in some circumstances an alternative layout or location may be suggested to the applicant rather than rejecting the application.

### **3.8 Planning Approval**

- 3.8.1 Planning approval will be required under the following circumstances:
- a. If the application seeks to create access onto a classified road.
  - b. If the application is in one of the Conservation Areas that have statutory protection.
  - c. If the application is for a Listed Building.
  - d. If the application is for a property which is a flat or a maisonette as these do not have any permitted development rights.
- 8.9.1 Applicants under these circumstances will be notified that their crossing application cannot be considered until a planning decision has been issued.

### **3.9 Contractors**

- 3.9.1 The construction of all vehicle crossings within the Borough will be carried out by the Council and its approved contractor. The Council do not allow private individuals / contractors to install vehicle crossings. This is to prevent possible inconsistencies in construction methods and dangers to road users while works are in progress.

### **3.10 Dimensional Requirements**

#### **3.10.1 Forecourt dimensions and dropped crossing width:**

- a. The applicant's off-street parking area must measure 2.4 metres wide by 4.8 metres deep and be achieved within the curtilage of a residential property. If a wider width of at least 3.0 metres wide can be achieved that would allow for vehicle to be parked at any angle then the depth of 4.8 metres can



be relaxed to an absolute minimum of 4.6 metres, provided that any additional manoeuvring to access the parking area would not adversely affect pedestrian safety and traffic flow; and will not extend beyond the limits of the crossing. There must be clear access to the front door of the property from the street.

- a. Minimum dimensions will apply to a vehicle parking area in order that a vehicle can be parked safely off the public highway without overhanging any part of it, allow sufficient space for occupants to get in, out and around the vehicle and so as not to obstruct access to the doors of the property. Additionally, the area should be suitably paved with hard standing before an application is made and any barriers to off street parking areas, such as walls, should be removed. The Council will not commence construction of a dropped crossing until it is satisfied that the applicant's forecourt area is suitably paved and any such barriers are removed.
- b. It is inevitable that applications will be received from applicants where the parking area, whilst large enough for their vehicle, does not meet with the minimum dimensional requirements. Such applications are likely to be refused as it must be recognised that property and car ownership is liable to change at any time. This could potentially involve difficult situations where a new property owner with a larger vehicle (or the original applicant later owning a larger vehicle) causes it to overhang the footway due to insufficient depth of parking area, in which case, the Council will consider enforcement action and may withdraw the vehicle crossover altogether.
- c. In the case of Blue Badge holders, the same dimensional criteria will generally be applied for the reasons given above. However, if it is not possible to provide a crossing due to insufficient parking space, consideration will be given to a relaxation in the required forecourt depth or the provision of a disabled parking bay directly outside the applicant's property or as close to it as possible.
- d. The desirable width for new vehicle crossings is 4.5 metres in total (measured along the kerb line), made up of two 0.9 metre ramp kerbs, and a length of 2.7 metres of dropped kerb. This width is required to accommodate the safe movements of a standard sized vehicle gaining access to and exiting from the property across the public highway. This is a standard width and should be employed wherever possible. In exceptional circumstances, such as highway layout constraints, this width can be reduced to 4.2 metres in total (2.4 metres of dropped kerb) owing to site constraints and the absence of any other practical solutions. In exceptional circumstances dropped crossing widths can also exceed over 4.5 metres in total. Such cases will be reviewed in terms of practicality, merit, and existing site features.

### **3.11 Drainage**

- 3.11.1 It is the responsibility of the applicant to provide adequate drainage for surface water, so that it does not fall or flow on to the highway, as required by Section 163 of the Highways Act 1980. The application may be refused if adequate surface water drainage is not provided. Water must not flow from the property directly onto the public highway and must drain onto a garden area or into a drainage channel. Every step will be taken to ensure that surface water does not flow into the property from the highway because of the construction of the crossover. An application for the extension of an existing crossover must comply with the criteria for a new crossover in relation to hardstanding and drainage.

### **3.12 Highway Siting**

- 3.12.1 A crossing application will not be approved if it is located within 10 metres of a junction due to highway safety concerns. A crossing application will not be approved if its presence has an adverse effect upon the operation and safety of a width restriction, traffic island, pedestrian refuge, pinch point; or within the zig zags of a Zebra, Pelican, Puffin, Toucan or Pegasus crossing; or on a street with a posted limit of 40 miles per hour or more.
- 3.12.2 If the vehicle crossing is near a bus stop, with the footway being block paved, the application will likely be refused. Vehicle crossings will be assessed by Officers if the property is within a turning area. If the vehicle crossing crosses a third party's property, then officers will require consultation to be carried out to engage with the residents (or owner if the resident is a tenant of the property) of these properties.



- 3.12.3 Vehicle crossings shall be sited no closer than 2.7 metres from an existing crossing. This distance is taken from the flat section of kerb of the existing crossing to the flat section of kerb of the proposed crossing (this distance being the equivalent of three standard kerb lengths). If this distance cannot be achieved, then the crossing will join to the existing crossing at the applicants' expense.
- 3.12.4 Applications which do not meet one or more of the conditions will be refused, regardless of whether there are neighbouring properties with existing vehicle crossings.

### **3.13 Trees**

- 3.13.1 Where an application for a crossing is in the vicinity of an existing highway tree, the Council will consider the effect of the crossing installation on the tree.
- 3.13.2 The Council will usually refuse an application for a vehicle crossing if the application involves the removal of a highway tree. However, depending on an Arboriculture Officer's report, the removal of a tree may be approved where its existing condition gives rise to public health and safety concerns, or it is of such size that a semi-mature replacement can be planted nearby with minimal impact on the appearance of the street-scene. Recently planted saplings (less than 2 years of age) may be re-sited with no further approvals. All costs associated with the assessment and removal / relocation of trees will be borne by the applicant.
- 3.13.3 The precautionary area is the area within which harm could be caused to the tree by excavation and is defined in the National Joint Utilities Guidelines as four times the girth of the tree measured at 1.5m above ground level.
- 3.13.4 If the applicant has a tree or other asset that needs removing or relocating, then further guidance from the relevant department/service will be sought and any adverse costs incurred will be the responsibility of the applicant. In some instances the tree may be deteriorating or dead. In these instances, the value remains in the tree pit itself (i.e. the carbon and amenity value potential of a new tree), and Havering will seek to replace the tree. As such, a dead or dying tree does not indicate any greater possibility of removal to enable a crossover installation.

### **3.14 Streetlamps**

- 3.14.1 Any vehicle crossing application which requires the relocation of a lamp column will be passed to the Council's street lighting team to consider. The minimum distance between the crossing and the lamp column, from the lower part of the transition kerb should be 1.5m, if placed at the front of the footway. The unit should not be re-located beyond the projected boundaries of the property.
- 3.14.2 The maximum distance a lamp column can be moved is 4.0m from the middle point between the two nearest lighting units, (to maintain an even light spread). Units will be re-located to the rear of the footway whenever possible, to reduce potential future vehicle damage, unless the lamp column also offers an electric vehicle charging point.
- 3.14.3 The applicant will be contacted giving an estimate of the total cost of the vehicle crossing, including the relocation of the lamp column if relocation is possible, otherwise the application will be refused.

### **3.15 Parking Bays**

- 3.15.1 Any footway parking bays (either 'two wheels up' or 'four wheels up') will be removed once a vehicle crossing has been installed.

### **3.16 Statutory Undertakers' Apparatus**

- 3.16.1 Following site inspection, the Council will obtain details of any Statutory Undertakers and Street Works Licence holders' apparatus in the proposed vehicle crossing location. The Highway Authority will issue the details of any apparatus to the applicant.
- 3.16.2 Where an application involves the alteration of Statutory Undertakers' apparatus, and where a payment is required for its alteration, such costs will be passed on to the applicant as they are responsible for these costs. Examples of this include C.A.T.V and B.T boxes, electricity covers, fire hydrant covers, cabinets and Water company boxes, etc.

- 3.16.3 Vehicle crossings will be sited no closer than 0.45m (18") from the base of any telegraph pole, C.A.T.V or B.T. cabinet, or other street furniture sited on the footway.

### **3.17 Existing Vehicular Access**

- 3.17.1 Where a property already has a reasonable alternative means of rear or side access, an application for a new vehicle crossing should be refused. New crossings must be sited at least 2.7 metres away from existing crossings. Where an existing shared crossing serves two properties, an extension may be allowed. Ideally this would be an extension of 7.2 metres offset equally between both properties. In certain circumstances it may be necessary to increase or decrease this width dependent upon existing site features.

### **3.18 Controlled Parking Zones (CPZ's) and On Street Parking Stress**

- 3.18.1 The Council generally refuses applications which would result in the loss of on street parking or the functionality of on street parking bays within a current CPZ or an area formally agreed to become a CPZ. Where it is agreed to allow a crossing, the fee quotation will include the costs incurred by the Council in amending the restrictions relating to the scheme. Some areas of the borough experience high levels of on street parking stress even though they are not contained within an existing CPZ. The assessment of new or extended crossovers will therefore consider the impact of parking stress and if it is deemed that the introduction of a new facility would result in an unacceptable loss of kerbside parking – i.e., put other residents at inconvenience or negatively impact nearby roads - then the application may be refused.

### **3.19 Materials**

- 3.19.1 Vehicle crossings may be constructed in either asphalt or concrete for the full width of the footway and should be in keeping with the characteristics of the existing road. However, in Conservation Areas or close to Listed Buildings materials will be chosen in consultation with the Council's Conservation Officer, again in keeping with the characteristics of the existing road. These will be at the cost of the applicant.
- 3.19.2 In cases where access to the applicant's property is required over a grass verge, the crossing will be constructed in permeable hard-standing materials to preserve the appearance of the verge area as far as possible. However, the Council cannot guarantee matching materials for the verge and crossing. The decision regarding the materials used will be taken by the Council.

### **3.20 Fees**

- 3.20.1 All fees associated with vehicle crossings can be found in the 'Highway Services List of Current Charges, found [here](#). The application fee includes a maximum of three site visits; at least one is to assess the application and, if approved, a second will be to carry out a works check if these are required to meet the criteria. If any more than three site visits are required, these will be chargeable.
- 3.20.2 Quotes are valid for a period of three months from the date they are issued. Beyond this period the applicant will be required to resubmit an application which will be subject to a revised quote against current policy and assessment criteria and the assessment fee will be charged again.

### **3.21 Refused Applications and Appeals**

- 3.21.1 Where applications do not conform to the policy criteria, applicants will be informed in writing of the reasons for refusal. Appeals can be made through the Council's complaints process. Details of the Council's complaints process can be found on the London Borough of Havering website, which can be found [here](#).

## **4. Monitoring and review**

- 4.1 The Council will review this policy in light of developing practice, guidance and changing legislation as necessary and in any event every three years. The Head of Highways, Traffic and Parking will be responsible for the timely review, update, and dissemination of policy in their service area.