

Hertfordshire County Council Environment Department

Residential Dropped Kerbs Terms and Conditions

Introduction

You must read these terms and conditions carefully **before** completing your application.

This document will help you to understand the procedure and criteria which will be followed in order to obtain formal approval from the County Council for the construction of a dropped kerb across a public footway or footpath and/or verge. We will not approve applications that will result in access across large areas of amenity grass.

A dropped kerb provides a way to legally allow you to access your property using a car or other domestic vehicle. The kerbs are dropped from their normal height and the pavement or verge is strengthened to take the weight of the vehicle crossing it. The dropped kerb must not be used by non-domestic large vehicles. You must not park your vehicle on the dropped kerb or allow your vehicle to overhang the road/footpath.

We have tried to provide information in this document about the issues that we consider when assessing applications. Every site is different and will be assessed individually against the current standards. Older, historic crossovers do not set a precedent. Just because your neighbour has a dropped kerb does not necessarily mean that your application will be successful. The Council's decision will be final.

Legal Considerations

You are not allowed, under the Highways Act 1980, to drive over a footpath or verge unless a dropped kerb has been approved and installed by the council. If you drive over the footpath or verge without an approved dropped kerb, you may damage the footpath or any pipes/cables underneath it. You may be held liable for any damage.

Planning Considerations

Planning permission is normally required if:

- a) the access is required from a classified road (A, B or C road)
- b) the access is to a commercial site, flats or maisonettes

It is **your** responsibility to check with your local planning department if you require planning permission or not. You **must** obtain any planning permissions **before** we can accept your application. You will need to provide a copy of any planning permissions when you apply.

You can check the classification of your road by visiting:

<https://www.hertfordshire.gov.uk/actweb/gazetteer/>

Some unclassified roads may also require planning permission. In addition, you may also need to obtain planning permission if you are constructing a new hard standing (driveway) on your property or extending an existing one. If you are uncertain as to whether planning permission is required, you should **always** check with your local planning department first.

Welwyn Garden City or Letchworth Garden City

If you live in Welwyn Garden City you must obtain Estate Management consent from the Development Management Team. If you live in Letchworth Garden City, you must obtain any necessary permission from Letchworth Garden City Heritage Foundation (LGCHF) to construct a hard standing in your front garden.

It is your responsibility to submit a copy of any planning permissions along with your application. If you do not provide copies your application will not be processed.

Private Roads

This application process is only for roads that are maintained by Hertfordshire County Council. If you live on a private road, you cannot apply.

Do you have consent from the landowner?

If you are a tenant, you must obtain approval from the landowner first. In addition to this, in some locations there may be a gap between the highway boundary and the boundary of the property. In these locations, you will need to provide evidence that you have obtained approval from the landowner. This land may be manorial waste but it is more common that it belongs to the district/borough council as amenity green. It could also belong to this council as land bought and reserved for road widening.

Any proposed dropped kerb that crosses over a large area of amenity land is likely to have a detrimental impact on that amenity space and the general amenity of the area. Such applications will be refused.

It is your responsibility to check whether you require any other permission and to obtain any approvals before you apply.

Things you should consider before making an application

You will be charged an application fee for us to assess your application. If you change your mind, you are entitled to cancel provided that you tell us in writing no longer than 14 calendar days after the day on which you paid the fee. This is called the cooling off period. We will refund the application fee in full. ***After the expiry of the cooling off period, this fee is non-refundable.*** The list below tells you what we will consider when assessing your application:

- The depth of your parking area/hard standing must be a minimum of 4.8 metres. This is to ensure that there is sufficient space to prevent a vehicle from overhanging the footpath. The width of your parking area must be a minimum of 2.75m.
- We will presume that you require perpendicular parking. If you want to park parallel to your property you must have a minimum parking area of 9.6m width by 3.5m depth.
- The gradient (slope) of the driveway or parking area inside your property or the proposed dropped kerb itself must not be steeper than 1 in 10 (10%). Gradients steeper than this will not be approved.
- The position of the proposed access must be at least 15 metres away from a road junction. The assessing officer may reduce this to 10m in a cul-de-sac or minor estate road provided that he/she considers it is safe. The assessing officer's decision is final.
- Your proposed dropped kerb must not affect the operation of traffic lights or a pedestrian crossing. It must not be within the confines of the zigzag lines
- If there is a parking bay/lay-by at the proposed access point the application will be refused.
- If the proposed dropped kerb is within a Controlled Parking Zone we will need to obtain permission from your District/Borough Council as part of assessing your application. You will need to pay any associated costs for this.
- We do not remove healthy trees or move bus stops for the purpose of constructing a dropped kerb. We do not construct dropped kerbs within the canopy (or Root Protection Area) of a tree.

- We always consider the visibility at the point of access to ensure that pedestrians and vehicles can be clearly seen when entering or exiting the property. The assessing officer will apply the current national guidelines when making their assessment. The assessing officer's decision is final.
- If you live on a busy high-speed road (a non-residential road with a speed limit in excess of 50 mph), your application will *only* be approved if there is sufficient space within the boundary of your property to turn a vehicle around through 180 degrees. This is so that you do not reverse on or off the road. If you do not have sufficient space your application will be refused.
- If your property already has a dropped kerb, we will not normally approve a second dropped kerb unless there is sufficient space within the boundary of your property to drive a vehicle on and off your driveway in forward gear and in one continuous movement. Your application will be refused if you do not have sufficient space to do this. The minimum measurement is 13.6m width by 4m depth. Each dropped kerb will be a maximum width of 4.5m and your existing kerb may need to be adjusted to meet this criteria.
- If your property already has a dropped kerb, we will only extend or widen it to a maximum of 5.4m. This is the widest dropped kerb that we will allow and equates to a maximum of 4 dropped/flat kerbs and a maximum of 2 ramped kerbs. We will not install any more than 4 flat kerbs. Please do not apply for a dropped kerb wider than this as it will be refused.
- If there is a utility cover at the location of the proposed dropped kerb, we may be able to alter the cover as part of our works. Sometimes, we will not be able to alter the cover. If this is the case, we will let you know and give you an "in principle" decision for the dropped kerb. You will then be responsible for contacting the utility company to ask them to alter the cover. You will have to bear all additional costs associated with these works.

Dropped Kerb Process

Application

You must read these terms and conditions carefully and obtain any planning permissions that are necessary. **Do not apply until you have done this.**

Once you have done this, you can submit your application form online –

<https://www.hertfordshire.gov.uk/services/Highways-roads-and-pavements/Changes-to-your-road/Dropped-kerbs/Dropped-kerbs.aspx>

You will need to create an account. If you already have an account with us, you can use this. You must complete the application form fully. Applications

that are incomplete will not be processed.

If there are any exceptional circumstances that you would like us to take into account, please detail these in your application. Where it is safe to do so, the County Council may be able to exercise discretion to consider these exceptional circumstances in order to meet its public sector equality duty.

Assessment

Once you have completed your application form and paid the appropriate fee, our team will assess your application. They will undertake a site visit. If you have asked to be present at the site visit they will give you advance notice so that you can attend if you wish. They will aim to complete the assessment within 6-8 weeks. *Our timescales do change from time to time. You are advised to check our website for current timescales.*

You will receive an email advising you of the outcome. If your application has been refused, you will be advised of the reasons.

If your application has been approved, you will receive a quotation and a drawing or a photograph showing the proposed works. Please check the drawing carefully before paying the quotation. Once you have paid the quotation, you will be deemed to have accepted it. Please do not pay the quotation until you are happy that this is what you have asked for.

You should be aware that in some cases, either before or during construction, we may encounter unforeseen circumstances. This may affect the way that we plan to do the work and may increase the cost of the dropped kerb. If this happens we will inform you as soon as we become aware and let you know how much the additional work will cost. If the additional work involves utility equipment, you will be responsible for organising these directly with the utility company. Any additional costs will need to be borne by you.

Construction

Our current timescales* for construction are up to 12-14 weeks after you have paid the quotation. Approximately one week before we plan to construct your dropped kerb, you will receive notification in writing when the works are due to commence.

You must ensure that all works to your driveway are complete, that concrete edgings are in place and that any obstructions such as hedges/fences etc. on your property have been removed. Our contractor will not start the works if your works are not complete. This is likely to delay the dropped kerb works. Please be aware that works are weather dependent. The work will be undertaken over a period of approximately 4 days. In some cases, the contractor may do some of the works and then leave the site. This is normal. They will return to complete the works.

****Please note that the timescales do change from time to time and so you should check our website for the current timescales.***

Frequently Asked Questions

Q1. What is a dropped kerb?

The kerbs are dropped to allow you to drive your car over the public highway to access your property. You will be deemed to already have a dropped kerb if you have:

- a) a garage (served by a dropped kerb)
- b) an allocated parking space
- c) a dropped kerb to the side, front or rear of your property

Please note that the dropped kerb remains part of the public highway and the responsibility of the County Council. You are paying for the ability to drive your vehicle over the public highway to access your property.

Q2. How much does it cost?

You can use our online estimate tool free of charge to obtain an idea of the cost. Please remember that this tool only gives an indicative cost for a standard crossover. Other factors such as traffic management, obstructions and relocation of service covers will increase this estimate. You will only obtain a specific quotation once you have applied and the location has been assessed by an engineer.

Q3. What is included in the quotation?

The cost depends on the amount of work that needs to be done. It will include the cost to lower the kerbs, strengthen the footpath and resurface the footpath. In some locations, additional works will be required or there may be a need for increased traffic management. This will increase the cost.

The area is dug out to a depth of 230 mm. New kerbing is laid on a bed of concrete and is given time to cure, usually a minimum period of 24 hours. A sub base consisting of type 1 material is imported and compacted to a depth of 150mm. A base course of tarmac is constructed to a thickness of 60mm with a 20mm wearing course laid on top.

We do not charge VAT.

If you require a breakdown of the quote or a specification of the works, you should request this in writing.

You should be aware that in some cases, either before or during construction, we may encounter unforeseen circumstances. This may affect the way that we plan to do the work and may increase the cost of the dropped kerb. If this happens we will inform you as soon as we become aware and let you know

how much the additional work will cost. If the additional work involves equipment belong to a utility company, you will be responsible for arranging these works directly with the utility company. Any additional costs will need to be borne by you.

Q4. After approval, what if I decide not to proceed immediately?

The approval and quotation is valid for 6 months from the date of issue. If you do not proceed within this time, you will need to reapply and pay a new application fee. This is because it is possible that the quotation will increase during this time and our criteria for assessment may have changed.

In cases where you have planning permission for the dropped kerb, the planning permission is valid for three years but the quotation is only valid for 6 months. If you decide to proceed after 6 months we will review the original quotation which may increase.

Q5. Why can't I use my contractor instead of HCC's contractor?

Hertfordshire County Council is the highway authority. Only the highway authority can carry out this type of work using its approved contractor. This is to protect highway users, including yourself, and the County Council against all losses and claims that may arise from carrying out construction works on the highway. The County Council also becomes responsible for all future maintenance of the dropped kerb.

Q6. Will I need to be involved in the construction of the crossover?

No. We will make all necessary arrangements for the completion of your dropped kerb. You will be provided with a letter approximately one week in advance of the start date of the works. You do not need to be present for the works to go ahead although you should make sure there are no obstructions on your property (e.g. fences, hedges or gates) that may prevent the work from going ahead.

Q7. Should I build my driveway (hard standing) before or after the dropped kerb?

You must build it before we undertake our construction works, unless we advise you otherwise. However, please do not construct your driveway before you get approval for the dropped kerb.

Q8. What happens if I want to change the construction start date?

It is not necessary for you to be present in order for the works to go ahead. If you want to be present and want to change the construction date, you should contact us as soon as possible to arrange a new start date. Where possible we will try to accommodate your requirements but this is not always possible as our contractor programmes works in advance. If works are significantly

delayed, there may be additional costs incurred which will need to be borne by you.

Q9. What happens if a lamp post or electrical box/cabinet needs to be moved before my dropped kerb is constructed?

When we assess your application we will check to see if any extra work is needed to move or alter equipment in the highway. It will not always be possible to move or alter equipment. If extra work is required and it is possible to do this then you would have to bear the additional cost of those works. The additional work will be carried out by us before we construct the dropped kerb. You will be informed, in advance, if this is the case. Relocation of equipment can often delay the application process and the works.

Q10. What if a service/manhole cover needs to be altered or lowered before my dropped kerb is constructed?

The quotation will include the cost of adjusting covers where we can do so. If we cannot adjust the cover, we will advise you after the survey. We will provide you with an “in principle” decision for the dropped kerb and you will be asked to contact the utility company to seek approval for the alterations. There is no guarantee that the utility company will agree to move the cover. If extra work is required by the utility company, you would need to bear all of the additional cost of these works. If this is the case, it will delay the application process and the works.

Q11. My application has been refused because the vehicle would overhang the footpath. I only have a small car which would not overhang the footpath. Why has my application been refused?

We will only approve applications if the depth of the driveway is at least 4.8m (or 3.5m for parallel parking). Although you may have a small car at the moment, we need to think about what may happen in the future. For instance, you may purchase a larger car or sell the property to another person who drives a larger car. It is illegal for a car to overhang the road/footpath so as to cause an obstruction. Your application will be refused if you do not have sufficient depth.

Q12. Why was my application rejected when my neighbour was granted approval to construct a similar dropped kerb?

Other dropped kerbs that have been approved previously do not set a precedent and we do not take these into account. We will assess each application individually and will only approve applications on the basis of the existing guidelines.

Q13. What type of surface material should I use for the hard standing when I construct my new driveway on my property?

Driveways over 5 sq m must be constructed from a permeable material. Loose gravel or shingle is not ideal as such materials may be dragged onto the road/footpath and be detrimental to highway safety such as causing pedestrians to slip or vehicles to skid. In such instances, liability may fall to the householder. If you do use loose gravel or shingle you must install a suitable measure that will prevent material spilling onto the road/footpath. To view options available to you, please use this link for advice.

Q14. Do I need to install a drainage system when I build my driveway on my property?

It is an offence to discharge any surface water from your driveway onto the public highway or into a highway drain. You must ensure that you install adequate drainage to take water away from your driveway so that it does not discharge onto the public highway or into a highway drain.

Q15. Can I choose the type of finish material for my crossover?

No. The dropped kerb has to be constructed to current highway standards. These require a minimum construction depth and the use of "tarmac" as it has low maintenance costs. The dropped kerb section is likely to look different to the existing footpath when it is first constructed because the colour will not match. The material does fade with time. With regard to widened dropped kerbs, the quote will only include the work for the extended section. As such, the colour of the materials may not match but will fade with time. If you require the entire dropped kerb to be re-laid so that the colour matches then you will need to pay for the additional works. We will presume that you do *not* want this unless you specifically state this when you apply.

Q16. If I apply to the planning authority e.g. Borough/District Council and receive planning approval for a structure e.g. extension, garage etc does this also mean that the associated dropped kerb has approval/permission?

No. You will still need to apply to us in order that the dropped kerb application can be considered in the usual way. You are advised that any proposed alterations to your property or the internal layout may also require a planning consent from your local District/Borough. This is your responsibility.

Q17. I have paid the quotation but I don't want to proceed?

If you have paid the quotation, you are entitled to cancel provided that you tell us no longer than 14 calendar days after the day on which you paid the quotation. You will receive a full refund of the quotation. This is the cooling off period. After the cooling off period, we will consider your request for a refund on a case by case basis and will withhold all reasonable costs incurred by us at the time that you cancelled.

Q18. What if my application is refused?

Our officers refuse applications because they do not meet the criteria within this document and/or for highway safety reasons. All applications that are refused are reviewed by a Senior Manager before the refusal is issued.

If your application has been refused, you can appeal, but you will need to set out the reasons in writing why you consider that we have not applied the criteria correctly. If you do not do this, we will not consider your appeal. We cannot accept appeals because you do not agree with the criteria.

Appeals must be submitted in writing to:

cschighways@hertfordshire.gov.uk

Postal Address: Highways, PO Box 153, Abel Smith House, Gunnels Wood Road, Stevenage, Hertfordshire, SG1 2ST