



Hertfordshire County Council Environment and Infrastructure 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 where the loss of large green spaces will have a detrimental impact on the street scene and general amenity of the area. The officer's decision will be final.

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 over the weight of 3.5T. 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 terms and conditions. Highway safety will always be the primary consideration. Older, historic dropped kerbs do not set a precedent. Just because your neighbour has a dropped kerb does not necessarily mean that your application will be successful. We

cannot take into account dropped kerbs that are already in existence as we normally do not know the circumstances under which they were built.

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 likely to be required even if you already have a dropped kerb but want to make alterations to it such as widening. If you are not sure, 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 hardstanding (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 check if any permissions are required and to provide copies of them with your application. If you do not provide copies your application will not be processed.

Developers

If the dropped kerb is required as part of a development of more than one property, you cannot apply using this process. You should visit:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

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.

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

The hardstanding (or parking area) for your vehicle must be entirely on your own property and must not affect or obstruct the public highway.

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. In considering whether you have enough space we will also take account of any projections on your property such as bay windows, door shelters or utility cabinets
- We will presume that you require perpendicular parking. If you want to park parallel to your property you **must** have a minimum parking area/hardstanding of 9.6m width by 3.5m depth. This is to ensure that you have sufficient space to safely manoeuvre your vehicle across the pavement and/or verge.

- 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 on safety grounds as vehicles may lose control in adverse weather.
- 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 they consider it is safe. A dropped kerb close to a junction can result in vehicles using the junction coming into conflict with vehicles using the access.
- 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. Safety of the highway will always be a consideration and applications will be refused in these circumstances.
- If there is a parking bay/lay-by at the proposed access point the application will be refused. This is because a vehicle accessing the road between parked vehicles will encounter visibility issues.
- If the proposed dropped kerb is within a Controlled Parking Zone you will need to consult with and obtain any relevant permission from your District/Borough Council. If there are any associated costs for this you will be responsible for them. We can still assess your application in these cases and provide a decision in principle subject to your discussions with the District/Borough Council
- We do not remove healthy trees for the purpose of constructing a dropped kerb. We do not construct dropped kerbs within the canopy (or Root Protection Area) of a tree. Please do not apply if there is a tree in the location where you want your dropped kerb as your application will be refused.
- We do not relocate bus stops for the purpose of constructing a dropped kerb.
- 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. If, in the opinion of the assessing officer, visibility will be affected, your application will be refused.
- If you live on a high-speed road (with a speed limit in excess of 40 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 you are applying for a new dropped kerb, you will be provided with a maximum of 4 flat kerbs (3.6m). You will also be provided with one or two ramped or tapered kerbs depending on your property. 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 your property already has a dropped kerb, we will not 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. This is because it is safer to drive off a property in forward gear. You must construct your hardstanding so that your car can drive on and off in forward gear. We call this a carriageway drive. The minimum measurement of your frontage must be 13.6m width by 4m depth. Your application will be refused if you do not have sufficient space. Each access will have a maximum of 3 flat kerbs (2.7m) and your existing access may need to be altered to achieve this. There will need to be a minimum width of full height kerbs between the two accesses of 4.5m. You will need to pay for all works. We will refuse applications for second dropped kerbs if it will result in the loss of on-street parking provision.
- We will not approve two independent dropped kerbs that do not allow the movement explained in the bullet point above.
- If your property already has a dropped kerb, we will only extend the existing dropped kerb up to a maximum of four flat kerbs which equates to 3.6m. An extended dropped kerb will be no wider than four flat kerbs. This is the widest dropped kerb that we will allow. You will also be provided with one or two ramped or tapered kerbs depending on your property. Please do not apply for a dropped kerb wider than this as it will be refused. We will refuse applications for widened dropped kerbs if it will result in the loss of on-street parking provision.
- 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 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.

You must provide a plan with your application showing where you want the dropped kerb to be located. This plan assists the county council in assessing your application. It must be of sufficient quality to enable the officer to make an accurate assessment. Poor quality plans will be returned and your application will be placed on hold. You will be asked to submit a new plan.

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. In some cases, the assessing officer may contact you for more information. They will aim to complete the assessment and issue the decision 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 you change your mind after the officer has visited the site or after the decision has been issued and submit a different proposal, you will need to apply again and pay a new assessment fee.

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. If you are unclear about what is being proposed, please ask the dropped kerbs team for clarification before paying the quotation.

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 in three phases over a period of approximately one week. The contractor may do some of the works and then leave the site. This is normal because they will plan the works to make best use of resources and materials. They will return to complete the works. You should be aware that access to your property if you already have parking may be affected throughout the works and you should take this into account. The contractor may leave the signs and barriers in place for an additional time to ensure that the surface has hardened.

****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 pavement or verge to access your property. A dropped kerb can be at the side, front or rear of your property and normally leads to a garage or driveway.

If you already have a dropped kerb you can apply to relocate it to a different location on your property. The proposed location must meet the terms and conditions and you will have to pay for all costs associated with removing the old dropped kerb and installing the new dropped kerb. You can also apply for a second or widened dropped kerb. In all cases, applications must meet these terms and conditions.

If you already have a dropped kerb, we will refuse any application for additional dropped kerbs that will result in the loss of on-street parking.

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 belonging 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, our criteria for assessment may have changed or the circumstances 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. You should complete your own works as soon as possible after you have paid the quotation. You must let the County Council know when your works are complete.

You should be aware that during the works access to your property if you already have parking will be affected and you should take this into account. The contractor may leave the signs and barriers in place for an additional time to ensure that the surface has hardened.

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 and quotation for the dropped kerb. Our contractor will visit your property in advance of their works to check that you have completed your works. You should do your works as soon after you have paid the quotation as you can as any delays to your works may delay ours. If for any reason you cannot complete your works, please let the dropped kerbs team know as soon as possible.

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 streetlight 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. For instance, we cannot install a dropped kerb within 1 metre of an existing streetlight. 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 site visit. 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. You will need to arrange these works with the utility company. 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). We do not take into account the size of your current vehicle. 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?

Sometimes, we do not have any records of old, historical dropped kerbs and we do not know the circumstances or rules under which they were built. Very occasionally, a dropped kerb may have been built in error or built previously by another council. Dropped kerbs that are already in existence 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 current terms and conditions. You cannot appeal because of a dropped kerb that you have seen elsewhere.

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 the link below for advice:

https://www.planningportal.co.uk/info/200130/common_projects/45/paving_your_front_garden

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. hardstanding, 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 terms and conditions 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 terms and conditions correctly. You will need to appeal within six months of the refusal of your application. If you do not do this, we will not consider your appeal. We cannot accept appeals because you do not agree with the terms and conditions

Appeals must be submitted in writing to:

Droppedkerbappeals@hertfordshire.gov.uk

Postal Address:

Highways,
PO Box 153,
Stevenage,
Hertfordshire,
SG1 2ST