

2024

North Somerset Council

Vehicle Dropped Kerb Policy

Introduction

This document identifies North Somerset Council's (NSC) policy, as the Highway Authority (HA), to regulate the provision of vehicle dropped kerbs. A vehicle dropped kerb is an area of lowered pavement and kerbs (strengthened to take the weight of a vehicle) which provides vehicle access from the carriageway across a footway or verge into a private driveway or parking space.

This policy outlines North Somerset Council's requirements regarding the location and construction of domestic & commercial vehicle dropped kerb facilities, as well as highlighting a number of related issues, in order to illustrate where vehicle dropped kerbs will be permitted and the application process. It applies to all applications for Dropped Kerb's made after **01 April 2024** and supersedes all previous criteria, approvals, documentation and/or policy(s).

It should be observed that local precedence is not a factor in considering whether an application should be granted or refused, as a number of existing vehicle accesses were approved when traffic conditions were significantly different to today. Policies and assessment criteria can alter to reflect changing conditions. The circumstances of each application are considered on its own merits and therefore applicants should be advised to seek advice at an early stage in the application process in order to avoid potentially abortive work.

Please read this carefully to ensure your request meets the guidance in this policy as your application fee will not be refunded if your application is refused



Legislative background

A landowner has a common law right of access to the adjacent highway; however, the right of access is restricted by planning and highways legislation. Vehicle access to the public highway is regulated and controlled through the grant of planning permission (through the Local Planning Authority) and by the issue of consent from North Somerset Council (as the Highway Authority) through Section 184 of Highways Act 1980 for the provision of a vehicle dropped kerb.

Some applications for a vehicle dropped kerb facility require planning permission, but all applications require permission from the Highway Authority through the issue of a Section 184 consent. There are circumstances when an application must be made through both the planning and highway approval processes.

The location of a vehicle access and construction of a vehicle dropped kerb raise a number of potential highway safety, amenity and maintenance issues. The Council has responsibility to protect members of the public through the planning and highway approval processes.

In exercising its powers and in determining the extent of the works, Section 184 of the highway act states that the Highway Authority shall have regard to;

- the need to prevent damage to a footway or verge
- the need to ensure, as far as practicable, safe access and egress from premises
- the need to ensure, as far as practicable, the safe passage of traffic both vehicular and pedestrian in highways.

Equality Act 2010

Manual for Streets refers to the need for local highway and planning authorities to comply with the Public Sector Equality Duty, (previously the Disability Equality Duty), under the Equality Act 2010. Whilst highway policies must be applied taking into account the duty and the needs of disabled people, highway safety criteria does not make a distinction between disabled and able-bodied people. Impairment should not be a factor in the Highway Authority's safety considerations.

Planning Permission

On classified roads (see terms of reference), the common law right of access is restricted by legislation contained in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), where the change to a vehicle access or creation of a new access requires planning permission. This is in response to growth in the level of traffic, vehicle speeds and the associated accident risk that could potentially result from traffic turning onto and off the road at numerous points.

Planning permission may be required for an alteration to an access (depending upon the works) and will be required for the creation of a new access where any of the following apply;

- a. it is a classified road
- b. the property is within an [Article 4 direction](#) area where permitted development rights to construct a footpath crossing have been removed or for the removal of a front boundary wall
- c. it is in a conservation area where it involves the removal of a wall adjacent to highway which exceeds 1 metre in height
- d. the property is a Listed Building
- e. the property is anything other than a house or is a commercial premises
- f. on all roads where the proposed access creates an obstruction to the view of persons using any highway used by vehicular traffic, so as likely to cause danger to such persons

The granting of planning permission only relates to planning permission, it does not give permission for a vehicle dropped kerb from the Highway Authority. More information and guidance on planning applications and planning permission including associated fees can be found on the Councils planning webpages and on the national planning portal website <https://www.planningportal.co.uk/>

It is the applicant's responsibility to check/carry out own research if planning permission is required. The Council charges a fee for advising if planning permission is required (see North Somerset Council fees and charges).

Other works

Where other work involving excavation needs to be undertaken on the footway outside a property, a Section 171 licence may be required (fees apply). For developer related works a Section 278, 106 agreement or Section 50 licence may also be applicable.

Vehicle dropped kerb application process

On receipt of an application, including a sketch and/or photo's identifying where the dropped kerb is proposed to be installed and payment of the associated fee. The application will be checked by one of our officers who will carry out an initial assessment of the proposal. If further information is required, the applicant may be contacted at this stage.

In determining the application, we may:

- approve the application as submitted
- approve the application with certain conditions
- propose alternative arrangements
- refuse the application

If the location, dimensions, surface materials, or construction specification do not meet the Council's criteria, North Somerset Council as the Highway Authority reserves the right to refuse an application for the vehicle dropped kerb. The only exception to this is in circumstances when the planning application has been determined via planning consent.

Where permission of a dropped kerb under Section 184 of the Highways Act is given, this is issued by formal written response and may be subject to conditions. Applicants should note that approval should be kept along with title deeds to the dwelling as this forms part of legal documentation for that property.

Upon receipt of your completed application form please allow a minimum of ten weeks for your application to be processed, if approved, you will receive confirmation of this writing. Where an application is refused, you will also be informed in writing, explaining why the application has been unsuccessful.

Important notes:

The application fee is *non-refundable* (except in extreme circumstance and at the discretion of the Highway Network Management Team)

Any application that is requested to be withdrawn by the applicant will not be refunded if the application process has already commenced.

Repeat applications in respect of the same dwelling where refusal has previously been given will automatically be refused, unless it can be evidenced by the applicant that circumstances have changed.

The Highway and matters which may affect a dropped kerb application

The common law right of access is restricted by powers given to the Council as Highway Authority (HA) through the Highways Act 1980. Section 184 of the Act gives the HA powers to regulate applications in respect of vehicle dropped kerbs.

Provision of a vehicle access raises several issues including highway safety, potential loss of amenities such as trees, public open space in the adjacent highway also needs to be considered.

Where planning permission is also required, an application for a vehicle dropped kerb should be made at the same time. Both applications will be reviewed in tandem.

If there is an existing dropped kerb at the property in a different location that will no longer be used, you will need to pay to get the kerb raised to the full height.

Where planning permission has been refused and a subsequent dropped kerb application submitted this will be passed to North Somerset Council Planning for review/comment. A further charge maybe applicable.

Land ownership

The landlord/landowners written consent/permission to park a vehicle on a frontage or to make alterations to the property will be required where a property is rented, or where access is required over third-party land including that of a housing association. The Council will not be held responsible in full or part for any land contraventions either before or after installation of a vehicle dropped kerb has been undertaken.

Parking arrangements

The vehicle dropped kerb should not be constructed unless a suitable parking area is in place. The Council will not approve applications that reduce or affect formal on street parking arrangements, for example a lay-by or on-street parking bays.

Camber and/or Gradient

A high camber or inclined vehicle crossing can create grounding issues for either the front or rear overhang of a vehicle. Local ground levels and gradients could restrict the type of vehicle that can use the vehicle dropped kerb once installed. This issue will need to be discussed carefully with your appointed contractor. The Council is not responsible for adjusting either the footway or the carriageway specifically to prevent grounding as a result of access/egress to a private drive.

Trees & Tree Root Protection Area (RPA)

A vehicle dropped kerb must be positioned to avoid any trees in the footway or verge. This includes sufficient clearance to ensure that construction does not damage the tree roots and long-term health of the tree.

The RPA is a simple tool which helps us identify an area where a sizable proportion of a tree's roots are likely to be. Protecting this area is vital to ensuring we retain a healthy tree.

The minimum RPA is plotted as a circle, with the tree at the centre, as a guide, for a single tree stem, the RPA is calculated as:

A circle with a radius length of 12 times the stem diameter of the tree, measured at a height of 1.5m above the ground level e.g. stem diameter of 500mm = radius of 6m.

Where there are constraints on root growth e.g. walls or carriageway the RPA will need to be adjusted.

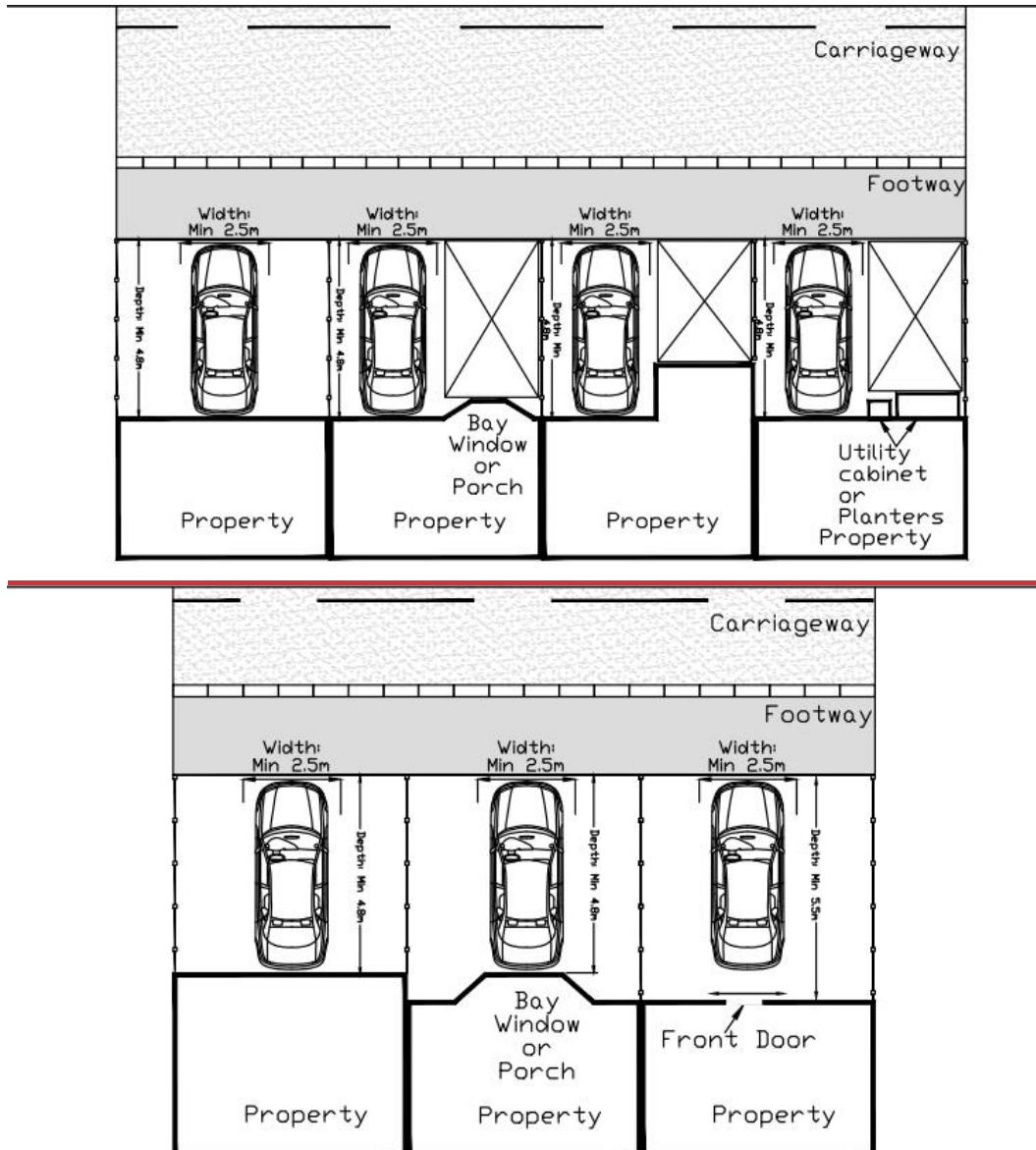
Applicants are advised to provide a sketch plan showing the position of any trees (including distance from the tree to the proposed vehicle dropped kerb) in the adjacent footway or verge that may be affected by the construction of the footway kerb facility or along the footway or verge where a visibility splay will be required.

Highway verge

The preservation of amenity grass areas and wide verges not only benefit the local streetscape but can also help reduce surface water run-off. As such applications for such locations will be considered on a site-specific basis. No hard standings are to be constructed on the verge.

Dimensions & space needed

The minimum depth of a garden frontage must be no less than 4.8 metres (front to back). The width of the area intended to park a vehicle (forecourt) must be at least 2.5 metres wide. This is required to enable passengers to safely enter and exit their vehicle. The width of 2.5 metres must be maintained across the full 4.8 metre depth.



Minimum Width & Depth measurements (forecourt/driveway)

A standard vehicle *dropped kerb* (see diagram 1) width is 2.7 metres wide (absolute minimum), this may be increased up to a maximum width of 4.5 metres wide. This excludes tapers.

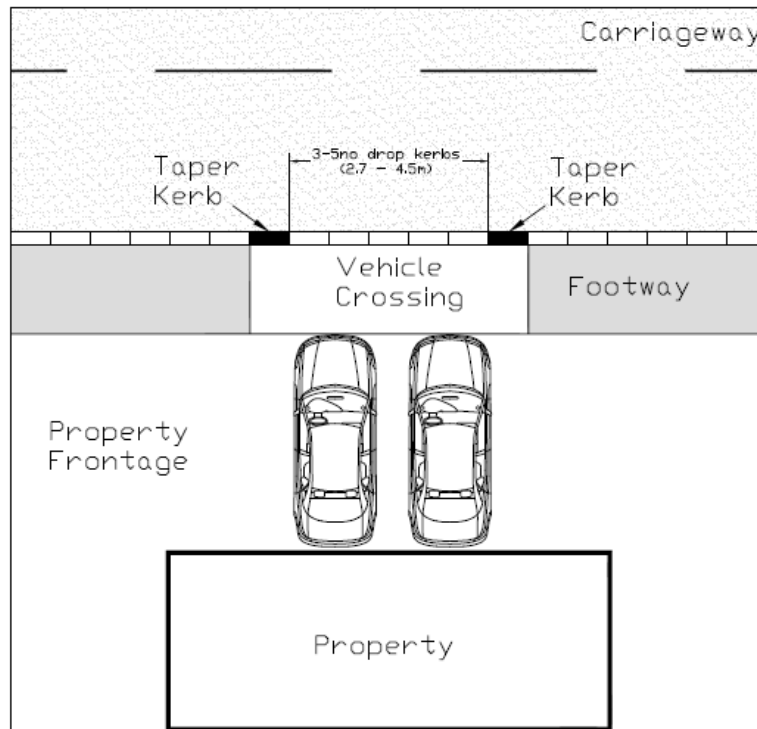


Diagram 1

Any application where part of the 2.5 metres width falls across any part of a front door, or garage must have an increased depth of no less than 5.5 metres. Any application that cannot meet this requirement will be refused.

Where a bay window or porch is located to the front of a property, the measurement of 4.8 metres will be taken from the outer wall of the bay window or porch.

At no time shall any vehicle when parked on a private hard standing, overhang onto the public highway, as this impacts on road safety and impedes the movement of pedestrians and/or vulnerable users.

Requests for parallel parking will *not* be considered for road safety reasons.

Where a dropped kerb spans a neighboring property this can create a shared access situation. Please see diagram 2 for more details

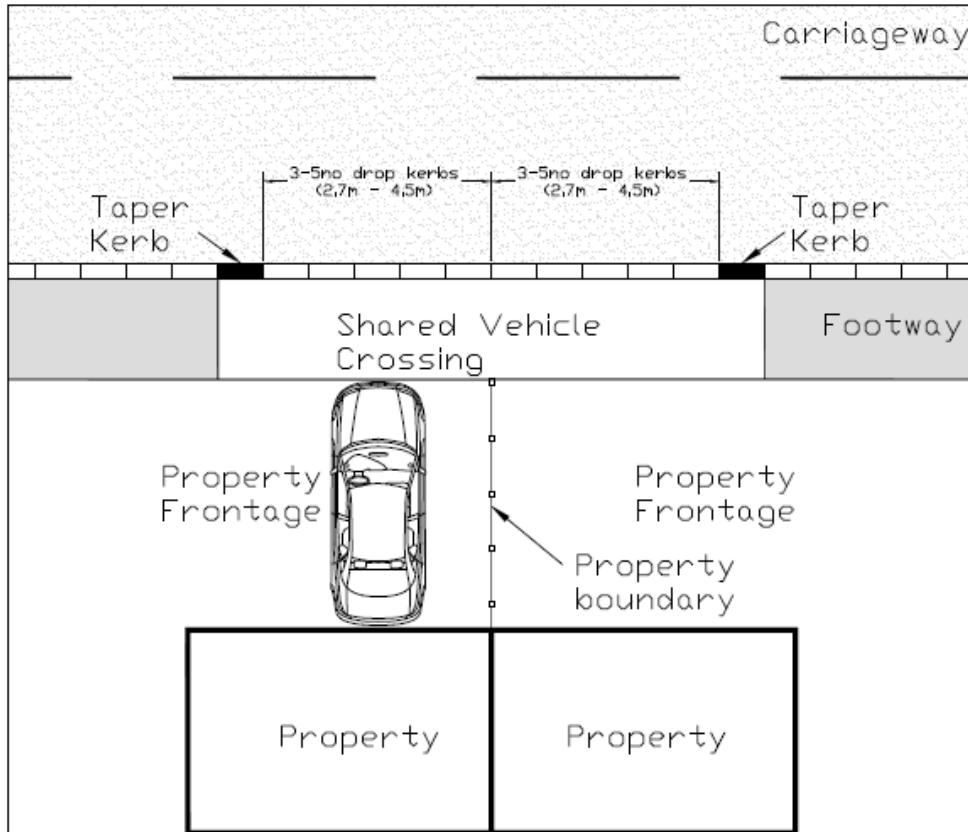


Diagram 2

Drainage

Replacing surfaces such as soil and grass with hard surfacing reduces the area where rainwater can be absorbed freely into the ground which increases the burden on the local drainage system.

In October 2008, an amendment was made to the Town & Country Planning Order 1995 to restrict the paving over of front gardens so that planning permission is required if a parking area is to be created which consists of more than five square metres of impermeable (non-porous) surfacing but there is no facility within the property to drain all the rainwater falling on it. Section 163 of the Highways Act 1980, which states that water should be prevented from flowing onto the pavement, also applies.

If your driveway has a gradient that is towards the adopted highway, drainage, such as an Aco or similar will be required at the highway boundary. This will need to be across the frontage of the driveway to catch surface water runoff before it reaches the highway.

If the work requires piping, culverting or obstructs an ordinary watercourse, whether permanent or temporary, it is a legal requirement under the Land Drainage Act to seek consent from the relevant authority.

Rear or side access

If vehicle access already exists either to the front or rear of the property, kerbs at each frontage may also be allowed, provided it is not possible to drive from one to the other through the property grounds in a continuous movement.

Highway infrastructure

In circumstances where a proposed dropped kerb facility is within close proximity of an existing traffic calming feature, traffic signals, lighting column, pedestrian crossing, bus stop, cycling infrastructure or other highway asset, consideration will be given as to whether the traffic calming feature could be moved, whether the proposed vehicle dropped kerb could be modified or whether permission should be refused. The full costs of any mitigation works must be met by the applicant.

A vehicle dropped kerb will not be approved if they are proposed within 10 metres of a junction on an unclassified road or 15 metres of a classified road.

Where the junction in question leads to a cul-de-sac a reduction in these distances *may* be considered at the discretion of the Highway Authority.

Street Furniture and Public Utilities

Also located in the public highway adjacent a property (footway or verge) can be a number of street furniture items and public utility equipment, such as a street lighting column, road signs, and inspection chambers/markers. Relocation of such items for example to provide a satisfactory visibility splay, may be conditioned as part of any approval.

The location of any street furniture in the verge must be clearly shown on the plans submitted as part of the application. Failure to provide accurate information may result in a delay and/or refusal of the application.

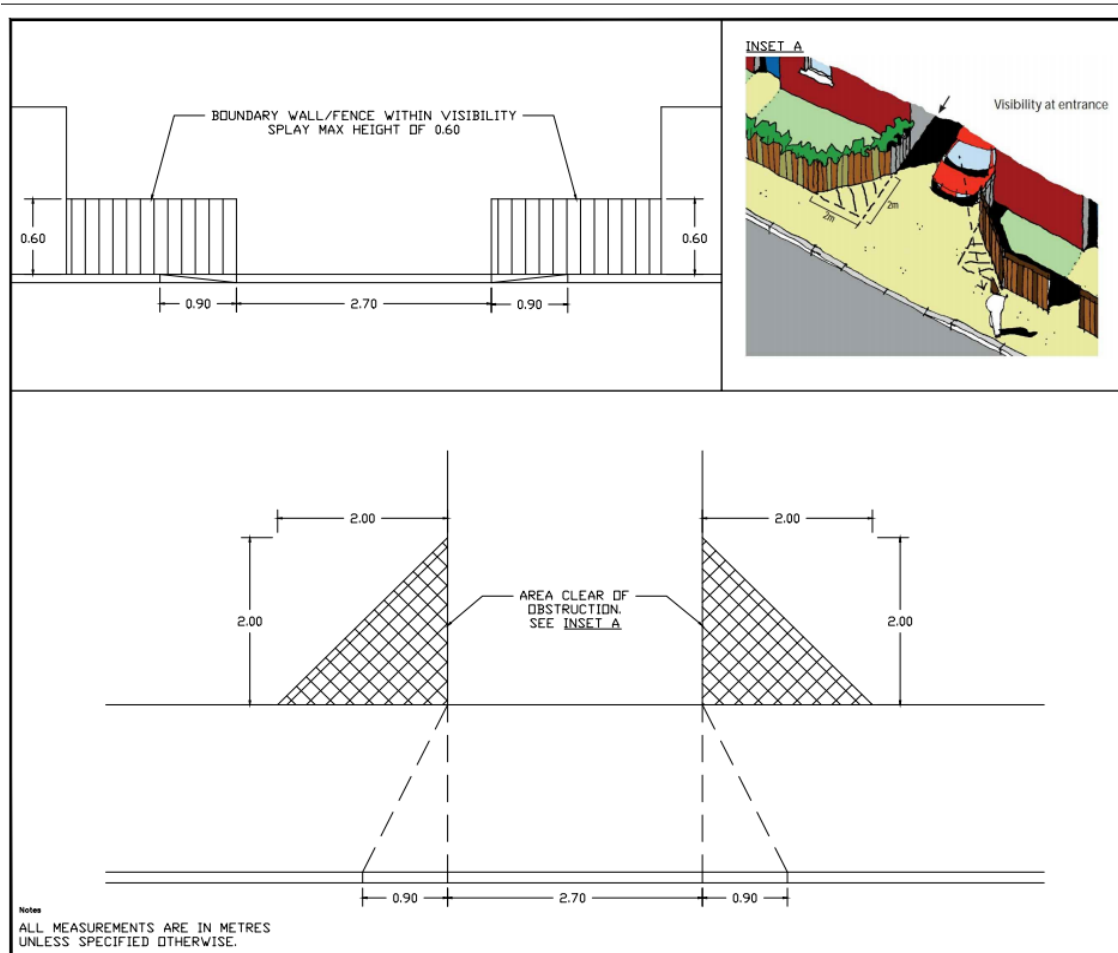
Where the construction of a vehicle dropped kerb requires utility equipment to be relocated, permission must be obtained from the utility company (please note that

some utilities may make a charge for this). This is a separate consideration to the planning and highways decision making processes. It is only when the public utility company gives approval that the vehicle dropped kerb can be progressed.

The full cost of relocating street furniture or utilities must be met by the applicant and it should be noted that depending on requirements costs can be significant.

Visibility

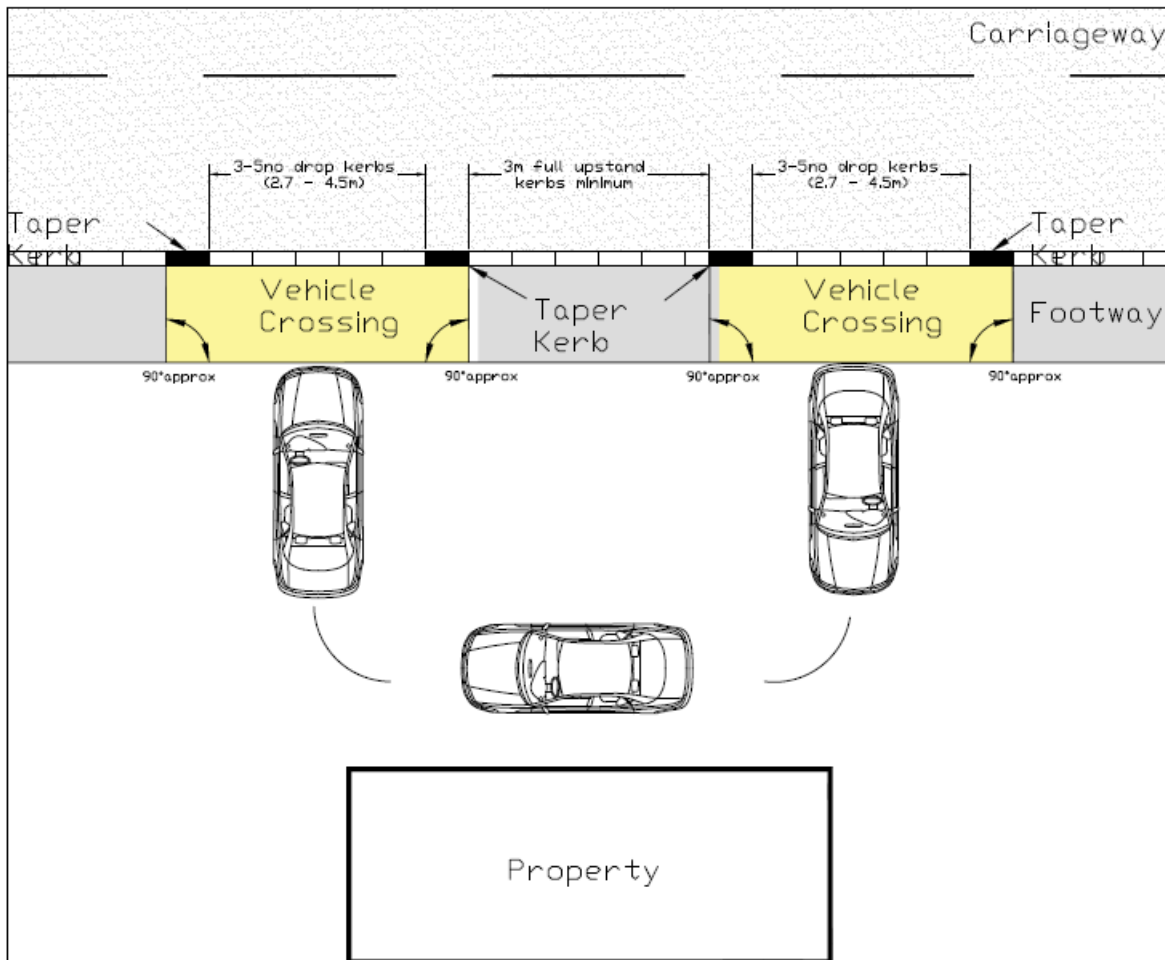
It is important that visibility for emerging vehicles is not restricted by the presence of boundary walls, fence lines, hedgerows etc. Requested locations will not be approved unless there is an uninterrupted visibility splay of 2.0 m x 2.0m, within which, there would be no obstruction to visibility over a height of 600 mm (see Diagram below) otherwise the height of the adjacent feature would not permit the driver of the emerging vehicle to see or be seen by pedestrians walking along the adjacent footway.



Secondary access

For reasons relating to road safety and to minimize the loss of on-street kerb side parking, one vehicle dropped kerb / access will be permitted per property. A further secondary vehicle dropped kerb / access may be applied for where **all** of the following apply:

- the property frontage adjoining the highway is a minimum of 12 meters wide and there will be a least 3 full height kerbs between each vehicle access
- there is enough space within the boundary of your property to drive a vehicle on and off your driveway in forward gear in one continuous movement
- the property is in a street where most properties have off-street parking and demand for kerb-side parking would not be adversely affected



Construction of a vehicle dropped kerb

Where a section 184 Approval under the Highways Act has been granted, the applicant is required to appoint an accredited contractor to apply to undertake and complete the construction work within six months of the approval date. The approval is time limited due to the evolving street scene and community requirements. A new vehicle dropped kerb application and associated fees will be required beyond any expiry. Utility information supplied with any vehicle dropped kerb approval are only valid for three months, if further utility information checks are required additional fees will apply. These can be found in the fees and charges section of our website.

It should be noted that approval for a vehicle dropped kerb must be obtained from the highway authority before any works commence whatsoever. Only then can construction of the hard standing commence. The hard standing should be built before a vehicle dropped kerb is installed as it's easier to match the edge of a dropped kerb to a pre-existing driveway.

North Somerset Council maintain a list of contractors who have already demonstrated that they have the minimum amount of public liability insurance required (£5 million) and who are also accredited to work on the highway under New Roads and Street Works Act 1991 (NRSWA qualifications minimum of one supervisor and one operative) other contractors not on this accredited list may be used, but all relevant information as above will be required to be submitted at the application stage. North Somerset Council as the highway authority reserves the right to refuse contractors to work on the highway (removal also from accredited list where applicable) where standards of workmanship/quality/safety fall short of that expected.

In some instances, due to existing levels of the road/or footway relative to the proposed hard standing, low built vehicles/sports cars may not have sufficient clearance for convenient vehicle access. The applicant should discuss this in the first instance with their contractor and where required with North Somerset Council Network Management Team.

The Council reserves the right to alter a vehicle dropped kerb in the future to accommodate dropped kerbs in respect of neighboring properties or any other Highway refurbishment the Council deems appropriate.

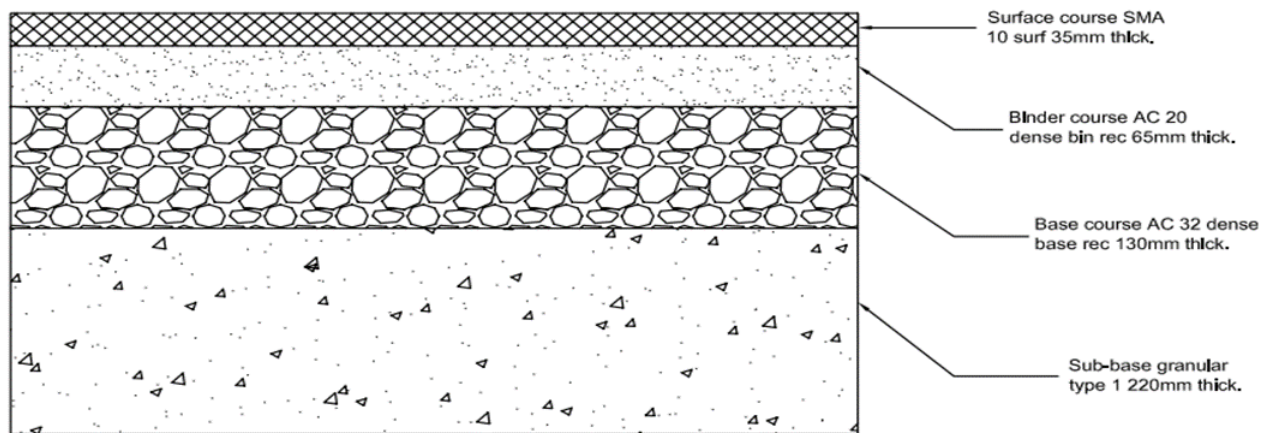
Note that gates or any other obstructions across the vehicle entrance to the property or land may under no circumstances open outwards across a footpath or carriageway (Highways Act 1980 – Section 53).

Where loose gravel is to form a permeable driveway, measures must be put in place such as a retention strip between the frontage and the public highway (minimum 1 x metre depth back of highway into property boundary) by the full width of the access to ensure the gravel is retained and is not able to spread across the pavement/road and

into the surface water drainage system.

A domestic vehicle dropped kerb may only be used by a private light goods or similar vehicle. Where an access serves more than one dwelling, a commercial or industrial premises it will need to conform to different construction method (as below) and width (site specific) specifications. Planning consent may also be required.

Construction detail for commercial dropped kerb



Personal Information and GDPR

The Council may share an applicant’s information with other departments within the Council (including elected ward members), law enforcement agencies, statutory and judicial bodies as required where such an application warrants further action/discussion.

Please see information on privacy notice and data protection [here](#)

Enforcement

Where vehicle dropped kerbs have not received authorisation under the Highways Act the Council may consider undertaking the following action;

- contact will be made with the owner of the property in respect of any unauthorised installation of vehicle dropped kerb or where a property is being accessed by driving over full height kerbs.
- the property owner and or the contractor having undertaken the work will be requested to undertake remedial action to either apply retrospectively for a vehicle dropped kerb (subject to meeting the

relevant criteria) or to fully reinstate (using a NRSWA accredited contractor) the footway abutting the property (including any reinstatement of the carriageway and/or drainage). This may incur further charges including but not restricted to:

- a site inspection by a Council officer or its representative
- core sample and report to check that the construction meets our specifications
- notice to cease where crossing a kerb which has not been dropped to access the property

If the footway has to be reinstated to its original condition, a Section 171 (excavation) licence will need to be applied for.

- further action may be taken by the Council in carrying out remedial works (as above) and re-charging all costs to the property owner and/or contractor. Where there is refusal to pay for any kerb we construct, we will seek recovery of monies through legal action.

If the works require planning permission and this has not been obtained, it will be reported to the planning enforcement team to investigate. If the access would cause a highway danger, action could be taken against the owner to remove it. Details of the Councils Local Enforcement Plan are available on the Councils website. It should be noted that any historic vehicle dropped kerbs pre-dating this policy will not be subject to enforcement action with the exception of any moving or parking traffic offence.

Complaints process and right to appeal

If you are not satisfied with our decision and want to appeal, please use the North Somerset Council [complaints process](#) in the first instance. Please note that you will need to set out the reasons why you consider that we have not applied the criteria correctly. We cannot accept appeals on the basis that the criteria is not agreed with.

Where planning permission is required and planning permission is refused, the applicant will have a statutory right of appeal dealt with by the [Planning Inspectorate](#).

Terms of reference

‘Article 4 Direction’

Article 4 Directions are issued by the Council in circumstances where specific control over development is required, primarily where the character of an area of acknowledged importance would be threatened. Because of this they are commonly applied to Conservation Areas. Article 4 Directions are usually applied over an area rather than an individual property and are registered as a Local Land Charge, so that residents will normally be aware of their existence. The effect of the Direction is to remove permitted development rights, thereby necessitating a planning application to be made.

‘Conservation Area’

A Conservation Area is defined by the Planning (Listed Buildings and Conservation Areas) Act 1990 as an area of special architectural or historic interest where tighter planning controls are applied. Residents who live in Conservation Areas may be required to make a planning application for certain types of work which do not need an application in other areas.

‘Listed Building’

A listed building is a building or other structure officially designated as being of special architectural, historical or cultural significance. A listed building may not be demolished, extended or altered without special permission from the Local Planning Authority

‘Permeable Surface Materials’

Changes in planning on the type of materials to be used for paving of front gardens mean that planning permission may be required. Further information relating to this can be found at [permeable surfacing of front gardens guidance](#).

‘Permitted Development Rights’

Alterations or additions to houses and the surrounding gardens and yards that do not require planning permission are defined as “permitted development rights” in the Town and Country Planning (General Permitted Development) Order 1995

'Road Classification'

- A roads – major roads intended to provide large-scale transport links within or between areas
- B roads – roads intended to connect different areas, and to feed traffic between A roads and smaller roads on the network
- Classified unnumbered – smaller roads intended to connect together unclassified roads with A and B roads, and often linking a housing estate or a village to the rest of the network. Similar to 'minor roads' on an Ordnance Survey map and sometimes known unofficially as C roads
- Unclassified – local roads intended for local traffic. The vast majority (60%) of roads in the UK fall within this category

'Section 106 Agreement'

Section 106 of the Town and Country Planning Act 1990 allows a Local Planning Authority to enter into a legally-binding agreement or planning obligation with a landowner in association with the grant of planning permission. The obligation is termed a Section 106 Agreement.

'Vehicle Dropped Kerb'

A vehicle dropped kerb is an area of lowered pavement and kerbs that is constructed to provide vehicle access across a footway (this may include shared/segregated cycleway or footpath) and/or verge into a private driveway or parking space.

- the Council, as Highway Authority, does not have a duty to construct vehicle dropped kerbs on behalf of applicants/residents.
- section 184 of the Highways Act 1980 does give the Highway Authority powers to approve the location and design of vehicle dropped kerbs to be constructed at the applicant's expense.

IMPORTANT NOTE – *If your application is refused due to not meeting requirements set out in this policy your fee will not be refunded. Please read this document with care.*