

Rhondda Cynon Taf CBC  
Domestic Vehicle Crossover  
Guidance document.

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## 1 INTRODUCTION

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.

Rhondda Cynon Taff CBC's aim is to provide information in this document about the matters that we consider when assessing each application. Sites will be assessed on an individual basis in line with current guidelines and legislation. **NOTE** that historic crossovers do not set a precedent.

## 2 LEGAL CONSIDERATIONS.

Motorists wishing to travel across a footway or verge to gain access to park on their property are required under S184 of the Highways Act 1980 ("the Act") to have a vehicle crossover constructed. Access from the highway into a private property must be done safely and legally by forming a vehicle crossover, also known as a dropped kerb. As part of the process the footway is reconstructed and strengthened to withstand the weight of a light goods vehicle and the kerb is dropped to allow sufficient clearance.

### 2.1 Planning Considerations.

In addition to needing the council's permission as the Highway Authority, applicants may also need planning permission under the Town and Country Planning Act 1990 to create a 'vehicular access'.

Planning permission is generally needed in the following circumstances, although this list is not exhaustive:

- access is to be on a classified or trunk road
- access is to a commercial property
- access is to a property that is a maisonette or divided into flats
- access is to a listed building
- access is in a conservation area.
- access is likely to affect a tree, which is protected by a Tree Preservation Order.

The applicant is responsible for checking whether planning permission is required and to obtain it where necessary before applying for a crossover.

If the proposal requires planning permission, then a further planning fee will be applicable when the planning application is submitted.

Where planning permission has already been given a copy of the consent letter, any approved plans and the conditions must be submitted with the crossover application form.

### **3 CONSIDERATIONS PRIOR TO AN APPLICATION BEING SUBMITTED.**

The list below tells you what we will consider when assessing your application:

- Vehicles will be able to enter and leave safely from the premises.
- The safe passage of vehicles and pedestrians in the road.
- The need for strengthening of the footway / verge to withstand the weight of vehicles and to ensure statutory services under the footway/verge are protected.
- The vehicle must be parked wholly within the property. Any vehicle overhanging the footway is committing an offence under the Highways Act 1980, section 137.

Applicants are fully advised to read the full guidance document to ensure that all the criteria are adhered to prior to applying for a vehicle crossover.

Residents may request the Highway Authority to construct a crossover and the Highway Authority may approve the request with or without modifications, may propose alternative works, or may reject the request.

#### **3.1 Road Safety.**

Any application for the construction of a domestic crossover may be refused or modified on the grounds of highway and pedestrian safety. The council will ensure that adequate sight lines are maintained to allow safe access to properties.

Situations where manoeuvring onto or off the highway may be hazardous include:

- Onto a section of road where traffic speeds are high.
- On the approach to traffic signal junctions where regular queuing takes place.
- Onto a roundabout.
- Within the zig-zag markings of pedestrian crossings.
- Immediately adjacent to pedestrian refuges, traffic islands which would impact a vehicle turning manoeuvre.
- At bus stops where use of a crossing could conflict with passengers waiting or make it difficult for disabled passengers to board or alight a bus; and in the immediate vicinity of a junction.

#### **3.2 Overhanging Vehicles and illegal crossing of the public footway.**

It is illegal to drive a vehicle across a public footpath without using a properly constructed footway crossing (S184(17) of the Highways Act 1980).

No part of a vehicle parked within a property frontage may project on to or over the highway. The crossover may not be used as a parking area and no part of it is exempted for the purpose of footway parking.

### **3.3 Second / Extending Crossovers.**

Landowners have the right to access their property from whichever point (or points) they choose as long as it can be done safely. Given the Layout of RCTCBC highway network the introduction of additional crossovers can benefit areas in following ways;

- The allocation of additional off-street parking will improve accessibility for emergency vehicles.
- The property has an existing crossover and it is deemed suitable for a second crossover to be provided to allow additional cars to be parked on the forecourt.
- In narrow locations a significant number of vehicles are parked on the footways and obstruct safe pedestrian movements.

### **3.4 Impact on Neighbouring Properties.**

To limit the impact on neighbours, a crossover should only normally be provided over the section of footway fronting an applicant's property.

### **3.5 Crossover Construction.**

It is an offence for anyone to make any changes to the public footway without the consent of the highway authority. Any unauthorised vehicle crossovers could cause deterioration of the footway and reduce the safety of those using the footway.

Crossovers must be constructed by a suitably approved contractor. In general crossovers will be constructed using tarmac or block paving to match the existing footway. If the property falls within a Conservation area, the crossover will be constructed in keeping with the surface of the footway.

Once constructed the crossover where applicable will form part of the public highway and will be maintained by the council as part of its network.

The Link provides details of the council's approved construction for vehicle crossover commercial roads. Further details can be provided for domestic dwellings:

<https://www.rctcbc.gov.uk/EN/Business/PlanningPropertyandBuildingControl/Plans/141footwayandvehicularcrossoverindustrialandcommercialroads141.pdf>

### **3.6 H-Bar road markings.**

If applicants want to prevent people parking in front of their crossover, there is an option to provide an advisory white crossover bar marking (H-Bar) - a white line that runs across the driveway parallel to the kerb line. Please note that an additional fee is associated with the marking and will need to be installed by a suitably approved road marking contractor.

Any obstruction of a vehicle crossing is considered to be an obstruction of the highway whether a marking is present or not. Such matters should be referred to the Police. The Council's civil parking enforcement officers can issue tickets to vehicles parked in front of a dropped kerb but have no powers to remove the vehicle.

## **4 APPLICATION.**

You can apply for a dropped kerb using our online form.

- a photo/sketch of the proposed dropped kerb area

The application form can be found on the council's website.

<https://www.rctcbc.gov.uk/EN/Resident/ParkingRoadsandTravel/Parking/DroppedkerbApply.aspx>

Upon receipt of your application it will be considered by one of our inspectors, who will approve or reject the application on principle.

Please note: If application is approved, it is only valid for 12 months from the date of approval.

If approved, further forms (VC2-5) are sent out to you asking for more detail, including information on the builder/contractors you wish to use and their insurance/indemnity policies. These forms also ask for information on when you intend to start work and can be taken as consent for work to proceed.

Please note, these forms need to be completed and returned at least seven days before work begins.

Inspections will be undertaken at regular intervals to ensure the crossing is compliant with the current specification.

Upon completion of the work, you need to complete a VC5 which confirms work has been completed.

Upon receipt of this form, an inspector will visit the site to ensure the work has been carried out to the specifications.

As long as the work meets the specifications, you will receive confirmation that the dropped kerb is now in place and will be maintained by the local authority.

If the work does not meet specifications, further improvement work will be required until specifications are met.

## **4.1 Fees.**

The regulations made under the Local Authorities (Transport Charges) Regulations 1998 authorised local authorities to impose charges for dealing with specified matters about certain highway, road traffic regulations and travel functions. The consideration of a request to construct a vehicle crossover by the council in accordance with the required criteria is a chargeable function.

The construction cost of a crossover will vary for each application. The cost will depend on the amount of work that needs to be done, and the availability of resources.

There are several external factors that can increase this figure:

- Impact on existing highway amenities for example street lighting, trees and signposts and parking – this could include fees for a specialist officer visit, removal or relocation of the amenity, specialist engineering techniques or trial excavation for Trees or consultation with regards to parking bays.
- Width of the footpath and size of the proposed crossover
- Planning permission if required
- Installation of H-Bar road markings (if the applicant chooses for this to be installed).
- Sub-contractors undertaking the works.
- Utility covers that require alteration.

## **4.2 Coordination with the footway renewal programme.**

If this location has received approved capital funding and the Authority are planning to carry out maintenance works to the pavements, the residents will have received a letter advising them of the scheme. Following which, if a resident decides to apply for a vehicle crossover, they may receive a discounted rate because of these scheduled works. A discounted price will only be applicable if the crossover does not affect street furniture or parking bays.

When making an application for a crossover, please include in the application a note to inform the highways maintenance team that a footway renewal letter has been received. The team will then verify this and take it in to consideration in the application process.

All costs are to be agreed prior to any works being undertaken.

## **4.3 Refusal of Vehicle crossover.**

Property owners have the right at common law to access the highway from their property at any point where their land touches the it. The Council only has powers to stop up or prevent access to the highway where they consider that a private means of access from the highway to any premises is likely to cause danger to, or interfere unreasonably with, traffic on the highway. In summary the council will only refuse an application on safety grounds.