

Vehicle crossover / dropped kerbs

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What is a vehicle crossover / dropped kerb?

Dropped kerbs for vehicle crossovers can be requested by residents at a cost. The purpose of a vehicle crossover is for you to be able to cross the highway/footway to gain access to your property.

The service provided by the council relates only to vehicle crossovers and not dropped kerbs for pedestrian access.

Only contractors appointed by the council are allowed to carry out construction work associated with crossovers.

Under [section 184 of the Highways Act 1980](#) it's an offence to drive a vehicle across a footway or verge where there is no proper vehicle crossover. It also allows for the highway authority to arrange for a vehicle crossover to be constructed on footways.

A footway is defined as a pedestrian route adjacent to a road. The term footway does not include independent pedestrian routes, such routes are called footpaths. The Highway Authority cannot authorise vehicle use on a footpath.

If you drive over the footway or verge without a crossover, damage may be caused to the surface, the kerb, and any pipes and cables hidden underneath. You could be liable for the entire repair costs and any claims for compensation resulting from the damage.

Legal considerations

Do I need planning permission?

Planning permission is not usually required for residential properties but will be, if the proposed crossover falls within the below criteria.

1. **Classified road**

The property involved has the frontage directly on to a classified road (A, B or C road).

2. **Listed building**

The property involved is a listed building.

3. **Grass verges**

If there is a loss of, or change of use of, public open space. For example, grass verges within the footway.

4. **Hard standings (driveways)**

If you're changing the use of the front of your property to a new hard standing (driveway) that is larger than 5m² or extending your hard standing to more than 5m²

Please also note that any hard standing greater than 5m² will need to be constructed using permeable materials to allow for drainage.

If it appears that your property comes within one of the above classifications and planning permission is required, please contact our planning office on **01582 546317** or developmentcontrol@luton.gov.uk.

There's a charge for submitting an application requesting planning permission.

Conditions

The following is a list of conditions relevant to the construction and the use of a domestic vehicle crossing after it has been completed.

Permitted types of vehicles

A domestic vehicle crossing may only be used by a private light goods or similar vehicle. It may not be used by commercial type vans, heavy goods vehicles or mechanical equipment. If a delivery, such as a skip, is made into the property, and the delivery damages the crossing, any repairs will be the responsibility of the occupier.

Size of the crossing

The width of a standard single crossing is 4.5 metres at the kerbline. Generally, applications involving only a single width crossing per property will be considered. However, in some cases a wider (up to 7.2 metres) crossing may be acceptable if it adds to the overall highway safety of the access arrangements.

We'll consider such applications provided you show how a wider crossing will add to the safety of the access arrangement. Crossings wider than a double width crossing may not be permitted.

Two accesses or crossings at the same property

The general rule is that, the more points on the highway where vehicles turn, the more potential for traffic conflict there is. Therefore, applications for two crossovers to a single property, or a second crossover or access point where one already exists, will not normally be approved for domestic dwellings unless there is strong evidence that it will add significantly to highway safety.

For such applications to be considered, the applicant will need to show:

1. how a second crossover or access point will add to the safety of the access arrangement
2. why such added safety cannot be achieved from a single crossover or access point, or by improving or repositioning an existing one

Parking within your property

Your application will not be approved unless you're able to provide a suitable parking area within your property. To comply with our Luton Local Plan, your parking area must be a minimum of **4.9 metres in length by 2.4 metres in width**.

We have the right to convert the crossover back to its original state if we see a vehicle overhanging the footway. The crossing itself may not be used for parking, as this would still be considered as illegal parking on a footway.

Standard finish

The normal standard finish to crossings is blacktop, commonly known as tarmac. However, alternative materials may be used in conservation areas. This will be decided by the council when you apply for an estimate.

Street furniture

Where you've removed more of the wall or fence running along the boundary than is required by the size of the crossing, it should be understood that an item of street furniture, for example a lamp post, telegraph pole or traffic sign, may be erected at any time in the footway outside the area of a crossing, even though this may obstruct an area where there is no wall or similar feature.

Gradient

The slope of a driveway or parking space must not be steeper than **1 in 10 (10%)**. Gradients steeper than this can cause serious problems when entering or leaving the property.

If your garden is steeper than 1 in 10, your application will only be approved if you commit to constructing a retaining wall to ensure that the driveway or parking space is no steeper than 1 in 10. The crossover will only be constructed after you have built the retaining wall.

Position of the access

The position of the proposed access must be at least 10 metres from a road junction otherwise your application will normally be refused. This is necessary unless your access is from a cul-de-sac.

Your proposed crossover will be refused if it affects the operation of a pedestrian crossing, for example within the zigzag lines of the crossing, as this would endanger pedestrians using the crossing.

If there is a parking bay or lay-by at the proposed access point this will normally result in your application being refused.

Your application will be refused if the position of the proposed access causes, or is likely to cause, any other highway safety hazard.

Visibility and safety

You must be able to see pedestrians and vehicles well enough when you drive out of the driveway so that you do not cause danger either to yourself or other people using the road and/or footway.

Obstacles to construction

Your application will be refused until the obstacle is relocated.

If the proposed position of the access is obstructed, for example by a road sign, lamp post, parking furniture or utility apparatus, the location should be altered to avoid the obstacle.

If this is not feasible, we'll determine whether or not it is feasible or desirable for the item to be removed or relocated and the cost will be passed onto the applicant.

If a statutory authority is required to carry out work by relocating, for example, a telecoms box/cabinet or telegraph pole, you'll be responsible for:

- any charges the relocation
- contacting the utility company

Environmental considerations

Where your application affects any trees, hedges, flowerbeds and/or any grassed areas, the Highway Maintenance Service will seek the comments of the council's Parks and Planning units.

If the construction of the crossover will rest within 2 metres of a tree canopy, we'll pass the information to the council's Arboricultural Officer.

Even where an application satisfies the highway criteria, the application may still be refused if it's considered that the construction of the crossover would be detrimental to the environment, particularly if it involves the removal of and:

- ancient hedgerow
- mature trees
- other landscaping feature that is considered valuable to the area

In respect of an application that's approved but which affects any landscape features, the following costs will be charged to you:

- removing and replanting of any tree, shrub or other landscape feature
- using alternative construction materials sympathetic to the surroundings

Crossing non-highway land

The provisions of [section 184 of the Highways Act 1980](#) which allows for the highway authority to arrange for a vehicle crossover to be constructed on your behalf, applies only to public footway and the applicant's property.

In the event that any of the land needed for access is neither highway land nor owned by you, you'll be required to:

- obtain the necessary permissions from the relevant owner to permanently drive over the private land for the purposes of parking within their own property
- provide evidence that such permission has been granted

Other advice

Applicants are given the following additional advice concerning the construction and use of a domestic vehicle crossing.

1. You should provide drainage to any hard standing within your property. It's unlawful to allow surface water to discharge on the highway.
2. You should construct your hard standing from bound material so as to prevent any loose material from being carried out onto the highway, such as pea shingle.
3. When constructing your hard standing, you should also make sure there's a retaining edge adjacent to the crossover. The hard standing should be constructed to our agreed level.
4. You should gain consent from any affected third parties prior to applying for a crossover.
5. Gates fitted across the vehicle entrance to your property may in no circumstances open outwards across the footway or carriageway. In some instances, gates may need to be set back to allow a vehicle to park in front whilst the gates are being opened.
6. The purpose of the above advice is to reduce the likelihood that we'll have to take future enforcement action under any relevant section of the Highway Act 1980.

Payment

1. An initial charge will be made to assess the application.
2. If the application is agreed, this will result in an estimate for the works.
3. If the estimate is accepted, full payment will be required before the works can start.
4. On some occasions the provision of a new or extension to a crossover will require us to upgrade the adjacent highway. This will result in additional costs that you'll need to meet.