

LONDON BOROUGH OF BRENT

DOMESTIC VEHICLE FOOTWAY CROSSOVER POLICY

Proposed Revision for December 13 – changes highlighted in grey

1. Introduction

If residents wish to drive across the footway to gain access to park on their property, they are required under s184 of the Highways Act 1980 ("the Act") to have a vehicle crossover constructed. A vehicle crossover is where the footway is strengthened to take the weight of a light goods vehicle and the kerb is dropped to form a ramp.

2. Primary Considerations

The Council is the Highway Authority for all roads in the borough, with the exception of the A406 North Circular Road which is under the authority of Transport for London. In determining whether to use its powers, the Council, as the Highway Authority, must consider the need to prevent damage to the footway/verge and, in determining the works to be specified, shall also have regard to:

- a) the need to ensure, so far as reasonably practicable, safe entry to and exit from premises;
- b) the need to facilitate, so far as reasonably practicable, the passage of vehicular traffic on the highway network.
- c) the need to maintain safe pedestrian passage

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. In determining how to use its powers the Highway Authority must consider the need to prevent damage to the footway/verge, as well as taking into account factors a) to c) above.. If the Highway Authority agrees to the provision of a crossover, it must provide the occupier with an estimate for the costs of the works, and once this amount has been paid, the crossing must be constructed.

The Highway Authority must have regard to the primary considerations set out in the Act. Consideration should always be given to whether any concerns/ problems can be overcome by the Highway Authority exercising its power to modify the request or propose alternative works. Each case must always be considered on its own merits.

The Council's policy is that when considering the construction of crossovers, a major consideration is the maintenance of on-street parking. Total capacity and the "street scene" should not be compromised.

Inevitably, the adoption of this new policy will result in some future applications being refused which, under previous policies, may have been successful. This will seem inequitable to some unsuccessful applicants, especially when other similar type properties in the immediate vicinity, have crossovers. However no previous policy or policies will take precedent to the current policy.

3. Planning Consent

In addition to needing the Council's permission as the Highway Authority, you may also need planning permission under the Town and Country Planning Act 1990 to create a 'vehicular access' for which a fee is payable, currently set at £150 per household since April 2008. The Government expects most of these planning applications to be decided within 8 weeks.

You will need to apply for planning permission separately if the property is:

- a flat, maisonette or any other building that is not a single-family dwelling
- on a Classified Road
- a "Listed Building"
- in a conservation area (because of additional "Article 4" controls adopted by the Council).

Brent Planning use the Councils Supplementary Planning Guidance (SPG) 3 'Forming and access onto a Road' and 5 'Altering and Extending Your Home' when considering applications. These generally reflect the guidance set out in this policy although SPG3 lists the Boroughs 'Strategic Roads' where permission is not normally given. However, additional restrictions can apply.

Please visit the planning website on www.brent.gov.uk/planning under 'planning policy' for further information on this guidance.

Please note that approval for the construction of the crossover must be granted by Brent Transportation even if planning approval has been given by Brent Planning, or by appeal through the Planning Inspectorate.

Brent Transportation is a consultee to the planning process. Nonetheless where planning permission is required, residents or developers are advised to contact Brent Transportation before applying for planning approval to determine whether there would be any material highway objections to the application.

4. Permitted types of vehicles

A domestic vehicle crossover may only be used by a private light goods or similar vehicle. They are not designed to be driven over by heavy goods vehicles or mechanical equipment. If a delivery, such as a skip, is made into a property, and in doing so the delivery damages the crossover, the full cost of carrying out all essential repairs will be the responsibility of the property owner.

5. Road Safety

Any application for the construction of a domestic crossover may be refused or modified on the grounds of safety. The applicant must ensure that adequate sight lines are maintained to allow safe access to their property.

In many cases there will not be sufficient space within the curtilage of individual residential properties for vehicles to enter/leave in a forward direction. However, as domestic crossovers are not generally intensively used, it may be acceptable for vehicles to reverse either onto or off the highway. Acceptability is likely to depend on the level of visibility along both the carriageway and footway, the volume of traffic, the width of the road and the presence of street furniture, traffic islands etc.

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 pedestrians crossings
- immediately adjacent to pedestrian refuges, traffic islands which would prevent a vehicle turning in excess of 90 degrees in a single 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.
- in the immediate vicinity of a junction.

The above list is indicative, but not exhaustive.

6. Visibility

Sight lines are defined by the visibility setback (the X dimension) and the forward visibility required to enable a vehicle to stop safely (the Y dimension). Where it is in the applicant's control, the following minimum requirements should be satisfied:

a) Footway visibility

x-dimension 2.0m from back of footway
y-dimension 2.0m

Within these splays, there should be no obstruction to visibility between heights of 0.85m and 2.0m above footway level. If the footway is likely to be used by small children, the height should be reduced to 0.6m. Where all or part of the splay lies across land outside of the applicant's control, a relaxation to this requirement may be considered, taking into account the amount of pedestrian activity along the footway and the width of the footway

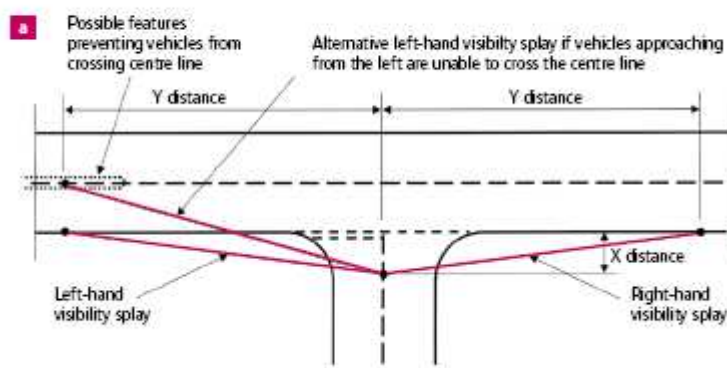
b) Carriageway visibility

x-dimension: 2.0m from the curb line
y-dimension: based upon the following table:-

Speed Limit	40mph	30mph	30mph	30mph	20mph
Road Classification	'A' Road	'A' or 'B' road	Local access road	Local access road with traffic calming	20mph Zone
y-distance	120m	90m	60m	43m	33m

Together the x- and y-dimensions define an area in which there should be unobstructed visibility between a height of 1.0m and 2.0m above carriageway level. Street furniture and parked cars will often lie within the visibility splay and the impact of such obstacles will be assessed. In general though, obstacles that are not large enough to fully obscure a whole vehicle or pedestrian will be acceptable.

The following diagram may assist when considering carriageway visibility:



7. Forecourt Dimensions

There must be sufficient space within the curtilage (enclosed area around front of property) of a site to ensure that a parked vehicle does not overhang the footway and that manoeuvring on and off the highway can be carried out safely. A vehicle hardstanding should therefore normally be at least 4.8 metres deep by 2.4 metres wide, and be set out at 90 degrees to the carriageway.

4.8 metres is a standard bay length that caters for the vast majority of cars currently on the market. However, there are many commonly owned cars that are less than 4.8 metres long. A crossover may be offered where the frontage is less than 4.8 metres deep, but only if the following criteria are met:

- the frontage is an absolute minimum of 3.8 metres deep, and
- the applicant is willing to enter into a legal agreement that restricts the size of vehicle that can be parked on the forecourt to fit within the available space. This agreement will then be sent to local land charges requesting that a note be made so that it binds future occupiers of the property to the same restriction.

Requests for bays to be parallel to the highway will not be accepted. This would require an unacceptable number of vehicle movements over a footway and possibly cause a hazard and nuisance to pedestrians. It will usually be expected that the vehicle will be able to enter and leave a frontage in one manoeuvre.

8. Crossover Placement

To minimise any reduction in on-street parking provision, the crossover should generally be sited to the side of the frontage not in the centre. The parking space should not obstruct the main access to the property

9. Minimum Crossover Widths

A single width crossover must normally be a minimum of 2.4 metres wide at the back of the footway. Narrower crossovers can be difficult to use and the resultant manoeuvring can disrupt the flow of traffic on the adjoining highway. However, where turning space on the highway is restricted to less than 6 metres, the minimum crossover widths should be increased in line with the following table:

Highway turning space	6.0m	5.5m	5.0m	4.5m
Crossover Width	2.4m	2.7m	3.1m	3.6m

Where a property has a hardstanding that is significantly wider than the width of crossover applied for (e.g. a 2.4 metre crossover serving a hardstanding capable of accommodating two cars) either:

- a) the crossover width may be widened to match the width of the hardstanding, up to a maximum of 4.2 metres, or
- b) the applicant must erect a low (less than 1.0 metre) wall, fence or permanent landscaping to physically prevent vehicles crossing over an area of footway that has not been strengthened (subject to the maximum width of the crossover not normally exceeding 50% of the width of the frontage of the property).

10. Maximum Crossover Widths

In order to maintain the safety of pedestrians on the footway and to retain on-street parking provision the maximum crossover width should not normally exceed 4.2 metres at the back of the footway.

The width of the crossover will be measured by the length of kerb flush with the road and will not include “tapers” or “bullnoses”, however, the crossing will be deemed as the total area of work required and include the construction of the tapers or bullnoses and the area of footway behind these.

Where an access is shared between adjoining properties the total crossover width for each property, measured to the centre line of the shared access, should not exceed 4.2 metres.

The total width of crossovers should not normally exceed 50% of the total frontage*.

*Special consideration will be given to properties with narrow frontages at the end of cul-de-sacs.

11. Distance between Crossovers

A minimum level platform of 600 mm must be provided between adjacent dropped kerbs.

There may be instances where the above criteria regarding dimensions are not met. In such cases approval may be given, subject to a site inspection by a Highway Engineer. The Engineer's decision as to whether the application will be approved or refused is final, subject to any appeal.

12. Second Crossovers

Normally, to limit any adverse impact on pedestrians using the adjoining footway and to minimise the loss of kerb side parking, only one crossover will be permitted per property. However, a second crossover may be permitted where:

- The property frontage abutting the highway is at least 12 metres wide, and
- The property fronts a classified road where a second crossover would enable the formation of a carriage drive and the garden is deep enough to accommodate this so that vehicles do not have to reverse either onto or off the highway, or
- The property is in a street where the majority of properties have off-street parking and demand for kerb side parking is low.

13. Shared access

Where the occupiers of two adjoining properties share a driveway, and wish to build a double width crossing to serve the two sites, one occupier should act on behalf of both parties although the application must be signed by both parties.

Provided the frontage is of adequate size, separate applications will be considered when an area of the frontage cannot be accessed from the shared crossover.

14. Obstacles to construction

If the proposed position of the crossover is obstructed by a traffic sign or post, lamp column, street tree, street furniture, utility apparatus etc. the location should be altered to avoid the obstacle. If this is not feasible, a decision will have to be made by the relevant Council department to determine whether the item can be removed or relocated, although there may be limited scope to do this. All costs to remove or relocate items to facilitate a crossover is the responsibility of the applicant.

If statutory authority is required to carry out work by relocating a fire hydrant, telegraph pole, or amending traffic orders etc. any charges for such work will be the responsibility of the applicant.

15. Overhanging Vehicles and the illegal crossing of the public footway

It is illegal to drive a vehicle across a public footpath without using a properly constructed footway crossing.¹

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.

Applicants should construct a wall, fence or plant a hedge within 0.6 metres of the edge of a crossing to prevent vehicles that are entering their frontage overriding the adjacent footway.

The Council will check and monitor any instances of, or complaints about the unauthorised crossing of the public footway or overhanging of vehicles. This will involve an initial warning letter and issuing a penalty notice or fine where appropriate. Unauthorised crossing of the footway or overhanging vehicles can be reported to the Councils Highway Enforcement Team on 020 8937 4995 between 8.00 a.m. and 10.00 p.m. every day, including bank holidays.

If vehicles are persistently crossing or overhanging a footway, the Council may opt to protect the footway with bollards. The cost of removing these bollards to accommodate a future crossing application will be borne by the applicant.

Unauthorised crossing of a footway

The Council may issue a notice under s16 of the London Local Authorities and Transport for London Act 2003 giving an occupier of premises adjoining or having access to the highway at least 28 days to cease taking a mechanically propelled vehicle(s) across the kerbed footway or verge. If the occupier has failed to do this then the Council may execute such works as may be necessary to prevent mechanically propelled vehicles from being taken across the footway or verge, unless the premises are occupied by an invalid, and may recover the expenses reasonably incurred by them in doing so from the owner or occupier of the premises in question.

16. Traffic Flow

The installation of a crossover will lead to vehicles slowing down and turning off the highway when accessing a property. In some cases this can adversely affect the safety and free flow of traffic, particularly where traffic flows and/or speeds are high. The impact of each application will need to be carefully considered, but this is likely to be a particular issue where access is proposed onto a classified road. The impact of a new access on bus reliability will also need to be considered.

17. Impact on Neighbouring Properties

¹ S184(17) of the Highways Act 1980

In order to limit the impact on neighbours, a crossover should only normally be provided over the section of footway abutting an applicant's property.

18. Grass Verges

Where an application for a crossover is proposed across a highway verge that is greater than 3 metres in width, or any other grassed highway amenity area, it will be refused because of the adverse effect this can have on highway amenity

19. Street Trees

Crossovers will not normally be allowed where their construction will require either the removal, or cutting of the roots, of a street tree. In all such cases, permission to proceed will be required from the Council's arboriculture team who will refer to the Council's current Tree Policy.

Generally, a street tree will only be removed if it is dead, diseased or dying, considered to be at the end of its useful life expectancy, or in some exceptional circumstances.

In all cases where it is agreed to remove a street tree, the applicant will be required to pay for the cost of its removal and replacement to be located, wherever possible, elsewhere outside their frontage.

20. Retaining Front Boundaries

Where a crossover is proposed, it is essential that an appropriate boundary is provided to the remainder of the frontage. This is required both to prevent illegal use of the pavement by vehicles and to maintain the appearance of the street.

21. Alternative Access

It is desirable to minimise the number of new accesses (and associated stopping and turning manoeuvres) onto main roads in order to maintain their importance as traffic routes in the Borough's road hierarchy. Where a property fronts a Classified Road and has or could have rear or side access, there will be a presumption against providing a crossover directly onto the Classified Road.

Where the property does not front onto a Classified Road a crossover may be permitted, but this should be limited to the minimum width (2.4 metres) where the property has a reasonable alternative means of access and is in an area of on-street parking pressure.

22. Surfacing and Drainage of Hardstandings

Crossovers will not be constructed unless there is a suitable hardstanding in place.

The hardstanding:

- must not be surfaced in loose material, such as unbound gravel (less than 20mm nominal size), that could spill out onto the highway.
- must not drain onto the highway.

The hardstanding should therefore be constructed with a fall back towards the property, ideally draining to a landscaped strip or soak away. Alternatively, if the hardstanding falls towards the highway, a drainage channel connected to a soak away should be provided at the highway threshold.

50% of the front area of the property should have 'soft' landscaping to allow for natural drainage, with a minimum requirement of 30% for properties with narrower, shorter front gardens.

An application for the extension of an existing crossover must comply with the criteria for a new crossover in relation to hardstanding, soft landscaping and drainage.

23. Gates across vehicle entrance

Gates fitted across the vehicle entrance to a property may in no circumstances open outwards across the footpath or carriageway (Highways Act 1980 - Section 153). On safety grounds, gates will not be permitted on crossovers constructed on Principal Roads (i.e. "A" Roads).

24. Lay-By Parking and Modern Estates

Crossovers should not be approved that reduce casual parking in purpose built parking areas in lay-bys etc. Generally, parking provision within modern housing developments will have been determined as part of the planning permission and further parking should be resisted. Planning permission may in any event be required if permitted development rights were removed as part of the planning consent.

25. Controlled Parking Zones ("CPZ") and Pay and Display Bays

The Council may refuse crossover requests where the resulting loss of public on-street parking would adversely affect the operation of a CPZ or other parking scheme. All crossover applications within a CPZ or affecting a designated parking bay will therefore be assessed by the Head of Transportation to determine their impact, and a decision will be made as to whether the application can be allowed.

In particular, crossovers will not be permitted where they would result in the loss of more than one space in residents' parking bays in a CPZ.

Where approved, a crossover that affects a designated on-street parking bay will require changes to the traffic management order (TMO). In the case of domestic applications, the cost of altering the road markings should be met by the applicant. Ideally, the crossover should not be implemented until the TMO process has been completed. However, in view of time taken, the Head of Transportation may agree to the crossover being constructed and the road markings changed in advance of the

TMO being amended. However, the applicant must be made aware that there could be objections to amending the TMO which, if not resolved, could mean that the crossover would have to be removed and the road markings reinstated. This risk must be explicitly accepted by the applicant so that there is no risk that the Council is liable for compensation.

To reduce costs associated with amending a TMO, the Council will wait until a number of applications are received before applying for amendment.

In the case of applications for crossovers to commercial premises, or where access arrangements are changed as part of a redevelopment, the full cost of amending both the TMO and road markings will be charged.

26. Crossover Construction

Crossovers will be constructed by the Council's Approved Contractor and construction costs will be based on the contractor's agreed charge rates plus an administration fee in accordance with the Highways Act 1980 and section 4 of the Local Authorities (Transport Charges) Regulations 1998.

The materials used will be chosen by the Council to match the footway and other crossovers adjacent to the property and within the street.

Footway crossovers will be constructed to the nearest whole paving slab 0.6m (2' 0") i.e. paving slabs are not cut.

Footway crossovers should be constructed using the following materials:

Type of Footway Surfacing	Footway Crossover Surfacing
Artificial Stone paving (ASP)	ASP – but only to extend an existing ASP crossover, otherwise block paving
Modular Paving	Block Paving
Concrete	Concrete – 150mm depth
Close Graded Bitumen Macadam	Surface course 25mm on 125mm of concrete base
Within Conservation Area	Match with adjoining surfacing material

On all ASP footways, the slabs either side of the footway crossover itself should also be taken up and laid on 100mm lean-mix concrete and 25 mm cement mortar bed.

The crossover remains part of the public highway and will be maintained by the Council as part of the footway.

27. White Access Bars

Residents may apply for a 100mm wide white access bar to be painted on the carriageway to highlight the area of the vehicle crossing and deter inconsiderate parking. The usual length of the white access bar will be the entire width of the

crossing plus approximately 1 metre on each side. These will only be installed in streets where there are no parking bays or restrictions and the cost will be borne by the applicant. The markings are advisory and therefore no enforcement action can be taken other than that for obstructing access. The council will maintain the white access bar line but reserve the right to remove this at a later date without refund to accommodate a parking or other highway improvement scheme.

28. Redundant Crossovers

Any redundant crossover(s) must be removed and the footway reinstated at the applicants expense if a new access is to be created.

29. Removal of Crossovers

Crossings that have been constructed under previous policy and are still in use will only be removed for safety reasons with the decision of the Director of Transportation being final.

30. Alterations to a Crossover

The Council may need to alter the layout or threshold level of a domestic crossover at any time, due to highway modifications and improvements. Every effort will be made to maintain access to the property and the occupier of premises so affected will be given adequate notice of such works. Where threshold levels are altered the Council with approval of the freeholder may undertake minor accommodation works within the curtilage of the affected property.

31. Application Arrangements

A non-refundable administration fee of £25 will be charged for processing each application. This will be set-off against the cost for constructing a crossover.

Charges

Charges for the processing of crossover applications will be reviewed annually to ensure that costs incurred by the Council are fully recovered. Section 4 of the Local Authorities (Transport Charges) Regulations stipulates that the amount of the charge is to be at the discretion of the local authority and in determining the amount the authority shall have regard to the cost to them of dealing with matters of the description in question.

The estimated cost for the construction of the crossover will be applicable for a period of 12 months.

Construction of a crossover will not commence until payment is received. However, where payments are to be made in instalments, up to 8 post dated cheques will be allowed to be paid on a monthly basis with construction not taking place until the sixth cheque is cleared. If the payment is not made within the agreed time, a crossing may be taken away or posts put up to stop access, with costs being incurred by the applicant.

The Council aims to construct crossovers within 6 weeks of a) payment having been received and b) any highway conditions stated in the approval notification having been completed e.g. provision of soft landscaping or drainage. This is monitored using a local performance indicator.

32. Right of Appeal

Where applications do not conform to the criteria set out in this policy, applicants will be informed in writing and will be provided with details of the reasons for the refusal.

Unsuccessful applicants have the right of appeal where they believe a) that their applications have not been processed in accordance with the criteria set out in this policy, or b) that there are exceptional circumstances that would justify an exception to be made to the policy.

The Council without prejudice may exercise discretion when considering the grounds of any appeal and facts of an application.

All appeals will be considered by the Head of Transportation.