

DRAFT Dropped Kerb Guidance

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Introduction

A dropped kerb allows vehicles to cross the pavement from the road to on-site parking. If you intend to drive a vehicle over the footway into your site off from a highway, then a dropped kerb is needed.

This guidance has been compiled to assist residents in making an application for a dropped kerb. Its purpose is to make applicants aware of the process and criteria adopted by Gravesham Borough Council for considering dropped kerb applications. In many cases, applications for a dropped kerb are successful, however in certain circumstances it may be necessary for an application to be refused if it does not meet the requirements of planning regulations.

As part of our commitment to climate change, we have also produced guidance on the development and design of driveways and the permeable options to consider when laying hardstanding in a front garden, whilst developing an attractive, secure, sustainable environment.

Separate guidance is also available on permitted development guidance for the installation of Electric Vehicle Charging Points.

The traditional appearance of our streets has changed overtime, with many of our front gardens now functioning as utility spaces. This coupled with the decrease in garden sizes of new homes, means that there is less space for flora and fauna to flourish, leading to a marked decline in biodiversity¹.

Individually paving over a front garden may not make a significant difference, but collectively, paved driveways decrease wildlife, by taking away their natural habitat, and increases the risk of flooding and pollution of our waterways. In extreme downfalls pollutants from hardstanding such as petrol, oil, and brake dust are transported with the surface water run-off via the roadside drainage directly into the sewage network and into our streams and rivers. Polluted water that enters the foul water sewers can overflow and pass as untreated sewage into our watercourses, incidences of which are occurring more frequently.

It is the councils' aim to address the loss of biodiversity and flooding through facilitating good design² with a flexible approach to driveway development, which reflects the local character and unique features of individual properties and street scenes. Everyone can play their part in tackling climate change, loss of biodiversity and localised flooding by thinking of greener design solutions where planting and parking are combined.

¹ The variety of plant and animal life in the world or in a particular habitat, a high level of which is usually considered to be important and desirable.

² The loss of biodiversity and the effect the proposal has on the character of the property and street scene may outweigh the personal benefits of on-site parking and will be considered when determining a planning application and in an appeal against a planning decision.

Driving across a footway without a dropped kerb

If you do not have a dropped kerb, you must not drive over the footway. If you do so, you are breaking the law and enforcement action could be taken to prevent such practice.

Furthermore:

- You may become liable from a collision with a pedestrian
- You may become liable for damage to the footway
- You may face considerable costs as a result of damage to any utility apparatus under the footway

Vehicle Crossover (Dropped kerb)

A dropped kerb is a common name for a vehicle crossover. It is an area of lowered pavement and kerbstones that may in certain circumstances be used to gain access by vehicles from a road, across the pavement or verge, into a driveway or parking area. It should not be confused with areas where a lowered kerb has been provided to facilitate pedestrian/cycle crossings, as the pavement will not have been strengthened to accommodate the weight of private vehicles.

If you wish to drive a vehicle over the pavement/verge into your driveway from the highway you will need a dropped kerb. Driving onto a pavement/verge without a dropped kerb results in the driver breaking the [law](#)³, therefore, permission for a dropped kerb is necessary to ensure that works are constructed correctly taking into consideration the safety of other road users, the pavement, and any services; street trees, pipes and cables that are buried beneath it. Failure to gain the appropriate planning permissions could lead to enforcement action and possible costly repairs of underground services if damage is caused.

Self-Assessment

In the first instance you will need to assess whether your front garden is suitable for parking a vehicle. Specific criteria need to be considered before applying that may rule out the possibility of development. Is there enough space in your garden, are you next to a road junction or traffic calming feature, existing lamp column or tree? These are examples of issues that could impact (but not necessarily rule out) your application

³ It is an offence, under the Section 184 of the Highway Act 1980, to cross a kerb, verge, or pavement with a mechanically propelled vehicle, except at a crossing point that has been approved by the Highway Authority for that purpose.

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and incur extra costs. It is therefore advisable to read the [Dropped Kerb Application Guidance](#)⁴ document published by Kent County Council (KCC), which details requirements for vehicle parking and any supporting information you may need to have in place before you submit your application.

At this stage be aware that permission may not be granted even if there are existing vehicle crossovers in your road. The Highway Authority's Policy in relation to minimum depths has changed over time, therefore properties in your road may have a vehicle crossover that comply with historical standards which no longer apply. When assessing your application, the size of your vehicle will not be taken into consideration, and you will need to comply with the current standards, the fact that previous permissions have been given with shorter parking spaces will not be taken into consideration by Kent County Council or Gravesham Borough Council when assessing your proposals.

Planning Permission

In addition to assessing whether your request meets with the guidelines published by Kent County Council, you will also need to check whether planning permission is required. It is the applicant's own responsibility to check whether planning permission will be required and to obtain permission where necessary.

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

- the access is to be on a classified road
- the access is to a commercial property
- the access is to a property that is a maisonette or divided into flats
- the access is to a listed building
- the access is in a conservation area, which is covered by Article 4 Direction
- the access is likely to affect a tree, which is protected by a Tree Preservation Order.

If you do not live in a conservation area and live in a single dwelling house (a property which is occupied by a single household rather than split into two or more units) that is not a listed building, there are certain alterations you can carry out to the front of your property without planning permission. This is known as Permitted Development and set out in the document General Permitted Development Order 1995 (as amended) known as GPDO.

The GPDO provides that it is Permitted Development to create a new means of access to a highway providing that the highway is not a trunk or classified road, and the access is required in connection with other permitted works taking place at the property.

⁴ "https://www.kent.gov.uk/__data/assets/pdf_file/0003/139485/Dropped-Kerb-Application-Guidance.pdf"

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This means that the formation of a crossover onto a non-classified road will usually be permitted development (Part 2, Class B) if you are also carrying out other work permitted under the GPDO. These associated works include:

- Building a new garage or car port (Part 1, Class A)
- Laying a new driveway (Part 1 Class F)

Furthermore, as part of alterations to the front area no gate, garage door and the like will be permitted to open over the public highway.

Permitted development rights are not exclusive and are subject to certain restrictions on size, location, and materials. Applicants are advised to enlist the services of a [planning consultant for advice](#) on this matter or refer to the [Planning Portal](#). For peace of mind when planning works under Permitted Development rights, householders can apply to the Council for a Certificate of Lawful Development.

This is required if you wish to obtain formal confirmation that your proposal does not require consent under Section 192 of the Town and Country Planning Act 1990 (as amended). Guidance on this procedure can be found [here](#).

Classified Roads

If your property is situated on a Classified Road, it will be necessary to obtain planning permission before creating a hardstanding for parking a vehicle off road. The Council supports proposals that can be achieved safely and without detriment to the character of the area. A list of classified roads in Gravesham that will require planning permission prior to your application to KCC can be found [here](#)⁵. Planning permission needs to be obtained from Gravesham Borough Council before you apply for a vehicle crossover.

Should the Council approve the development it is your responsibility as the applicant to ensure, before the development is commenced, that all necessary permissions and highway approvals and consents, where required, are obtained and that the limits of highway boundary are clearly established.

Unclassified Road

The formation of a residential access on to an unclassified road is considered Permitted Development. You can perform certain types of work without needing to apply for planning permission. These are called "permitted development rights". They derive from a general planning permission granted not by the Council but by Government. Bear in mind that the permitted development rights which apply to many common projects for houses do not apply to flats, maisonettes, or other buildings. Similarly, commercial properties have different permitted development rights to dwellings. In 'designated areas', permitted development rights are more restricted. For example, if you live in:

⁵ <https://www.gravesham.gov.uk/home/parking-and-roads/dropped-kerbs/classified-roads>

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- a Conservation Area
- an Area of Outstanding Natural Beauty

You will need to apply for planning permission for certain types of work which do not need an application in other areas. There are also different requirements if the property is a listed building. Our advice is that you should contact the Council's Development Management department and undertake a pre-application of your proposal before any work begins, if any of the following apply, as in these instances planning permission may be required:

- The proposed access crosses land which is not part of the residential curtilage owned by the applicant or some other "change of use" is involved,
- the proposed works include paving more than five metres sq. of the forecourt in non-porous materials,
- the creation of an access requires engineering works, such as changes to ground levels or building of structures,
- the creation of the parking space affects a Listed Building, a Conservation Area or requires the removal of trees which are the subject of tree preservation orders (TPO's),
- other development is taking place which requires the access; or the site is already subject to a planning condition restricting the creation of access or parking spaces.

Unadopted Highway

There are two main types of private or unadopted road: those on new developments such as housing estates and those which, usually by historic accident, have existed for a long time, often since the nineteenth century. Some private or unadopted roads are highways, but not all, and the position is not always easy to determine.

Consent will be needed from the owner(s), please note the Council does not maintain details for who owns private or unadopted roads. You will need to obtain planning permission from the Council.

Can permission for a crossing be refused?

Permission for a crossing can be refused and the reasons would be individual to that location. The points below whilst not an exhaustive list provide examples for why permission may be refused:

- The gradient of your site requires material to be excavated or added which constitutes an engineering operation
- Your property is on a bend or at a road junction
- A tree and or amenity land impede access

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- Street furniture or a street lamp impede access
- Your property is close to traffic signals
- There is a steep slope between your property and the road
- There is insufficient garden area
- There is insufficient visibility
- The development will harm a listed building and or Conservation Area

Undertaking a pre-application will assist in informing you of any reason why the development may not be permitted and if you need to apply for planning permission for all or part of the work.

Additionally, a planning consultant may help with the smooth running of your project and guide you on your permitted development requirements. A directory of planning consultants is maintained by the Royal Town Planning Institute at <https://www.rtpiconsultants.co.uk/#/> .

Ownership

Landownership

If your proposed access crosses any highway verge (grassed or tarmac) this land is classified as amenity space, and you will need planning permission. In some cases, this land may belong to Gravesham Borough Council or a third party in which case you will need the landowner's consent to pursue your application.

Your householder's deeds or Land Registry plan may state that you own the subsoil to the centre of the highway, however in this instance it is the subsoil that you own **not** the highway on top, the latter will be in the ownership of Kent County Council.

Property ownership

If you do not own your property, you will need the consent of your landlord/property owner. This also applies to properties owned by Gravesham Borough Council

How do I apply?

Procedure for applications that **do not** require planning permission

Applications for a vehicle crossover/dropped kerb are made to Kent County Council as they are the highways authority, but in the first instance, and for your application to be considered for approval, you **must** obtain written confirmation from Gravesham Borough Council (the Council) in the form of a 'Vehicle cross-over confirmation letter.' This letter provides an informal view of whether planning permission is / is not required to support your application to KCC. To obtain a confirmation letter apply [here](#)⁶. This service is **not** free of charge.

As part of this procedure the Council will **only** consider the following:

- You own the property or that you have permission from the owner(s)
- The property is a single undivided dwelling, not flats/apartments, a commercial property, etc
- The property is not in a designated area, with no permitted development rights or with permitted development rights removed
- The access is from non-classified public highway
- Your access does not cross any highway verge or impeded by a tree on the highway
- The proposed dropped kerb is being delivered as part of other associated permitted development i.e., Building a new garage or car port (Part 1, Class A) and/or laying a new driveway (Part 1 Class F)
- No engineering works are being undertaken that require planning permission

If the above criteria are met a letter will be issued, if the above criteria are not met, you will be advised that you need to obtain planning permission for your proposal.

⁶ <https://www.gravesham.gov.uk/home/planning-and-building/pre-application-planning-advice/how-much-does-it-cost>

Pre-Application Service/ Planning Permission

If you need planning permission, we strongly advise you to contact Gravesham Borough Council and discuss your proposal before any work begins via the pre-application service. The Council runs a pre-application service where you can seek our initial views before committing further resources to a project and applying for planning permission if required. See [pre-application planning advice⁷](#) pages for information.

Each planning application is different and must therefore be considered on its own individual merits. Decision on planning applications are taken based on 'material considerations' which include the development plan. Where the development plan has policies which affect the proposal, they will dictate the decision, unless there are other material considerations which should take precedence.

Material considerations include the following:

- How the application complies with national, regional, and local planning policies, circulars, and guidance
- Whether there are any other issues or planning constraints affecting the site, such as flood risk, contaminated land, conservation areas, listed buildings etc
- How the development fits in with its surroundings
- Design and appearance
- Scale
- Materials
- Access
- Traffic generation
- Safety of highway users
- Use/activity to be carried out
- Nuisance e.g., noise
- Contribution to any significant local, national, or international objective
- Previous appeal decisions
- Compliance with Central Government's National Planning Policy Framework.
- Central Government's planning circulars e.g., affordable housing, planning gain, and the historic environment

Issues which we cannot consider when making a planning decision:

- Most personal circumstances of the applicant

⁷ <https://www.gravesham.gov.uk/home/planning-and-building/pre-application-planning-advice/overview>

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- Private rights and covenants
- Boundary disputes/ownership matters
- Other legislation such as the Party Wall Act
- Protection of a view
- Property values/financial loss.

The amount of opposition or support for a scheme will not in itself constitute a reason for either granting or refusing planning permission.

Planning Application Validation Guidance

You must include all the necessary information from the validation list with your planning application. The Validation list for [Vehicle Access & Crossovers](#)⁸ is divided into two sections for applications made to Gravesham Borough Council as follows:

National Requirements:

- Application forms
- Fee
- Location Plan with Red Line Boundary
- Block Plan

Local Requirements:

- All drawings must include title and drawing number, electronic drawings must be in pdf format
- Plans: Elevations and Sections (Existing and Proposed)
- Tree Survey and Report prepared by a qualified arboriculturist
- Details of surface water disposal

In all cases, a new access onto the public highway or alterations to an existing crossover will need the approval of the highway authority. Please see [Apply for a dropped kerb](#)⁹ on the KCC website for further information.

⁸ https://www.gravesham.gov.uk/_data/assets/pdf_file/0009/966762/Vehicle-Access-Crossover-Application.pdf Bitesize information 1st April 2020

⁹ <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/apply-for-a-dropped-kerb>

Parking Issues and Enforcement

Abandoned vehicles

An abandoned vehicle is one which has not been moved or attended to for a significant period of time. If the vehicle is taxed, insured and has a M.O.T. it may not be possible to get the vehicle moved. Abandoned vehicles, especially those causing a nuisance by obstructing roads, traffic and pedestrians, or those that are damaged should be reported to Kent Police at <https://www.kent.police.uk/ro/report/asb/asb/report-antisocial-behaviour/> In certain instances abandoned vehicles can also be reported to the DVLA or Gravesham Borough Council, please see <https://www.gravesham.gov.uk/parking/abandoned-vehicles-1> for further details.

Parking disputes

Whilst it may be frustrating and inconvenient, if a parking space is available on a public road, even if that space is directly outside your house, any road user is entitled to park in that space.

Designated parking spaces

If someone has parked in your designated parking space without your permission, please try and resolve the issue peacefully yourself. If you lease a property with a parking space, please contact whoever is responsible for your building, such as the freeholder, council or managing agent, and seek their assistance.

If the issue continues, you can report this antisocial behaviour to Kent Police at <https://www.kent.police.uk/ro/report/asb/asb/report-antisocial-behaviour/>

Blocked Driveway

If someone has blocked your driveway stopping you from entering or leaving your property, please politely engage with the owner of the vehicle if that is possible. If you are unable to leave your property due to a blocked driveway Kent Police may be able to assist and can be contacted at <https://www.kent.police.uk/ro/report/asb/asb/report-antisocial-behaviour/>

Illegal Parking

If a vehicle is parked on a zig zag line, dangerously or in a way that would prevent emergency vehicles from gaining access, Kent Police may be able to assist and can be contacted at <https://www.kent.police.uk/ro/report/asb/asb/report-antisocial-behaviour/>

Parking Restrictions

Gravesham Borough Council undertakes on and off street parking enforcement throughout the Borough. On Street enforcement is carried out on behalf of Kent County Council under Part 6 of the Traffic Management Act 2004. 'On-street' relates to enforcement of traffic regulation orders on the public highway. This includes restrictions such as yellow lines, disabled bays, loading bays, taxi ranks, bus stops, school zig zag markings and permit parking areas. 'Off-street' relates to enforcement in the Council owned and maintained car parks and off street.

parking places.

The hours during which restrictions are in force can vary and the responsibility lies with the motorist to take care when and where they park.

Restrictions are generally as follows:

- Resident parking schemes, Permit Parking Areas and Controlled Parking Zones.
- Single and Double Yellow Lines
- Loading Prohibitions
- Designated Loading Bays
- Disabled Bays
- Taxi Ranks
- School Keep Clear Markings
- Bus Stops
- On Street Pay & display areas
- Car Park restrictions/tariffs.

The Council follows Enforcement of parking regulations fairly, lawfully and without discrimination. A Robust approach is taken to both on and off-street enforcement and Penalty Charge Notices are issued in regard to contraventions observed.

For further information on parking restrictions, please visit <https://www.gravesham.gov.uk/parking/parking-restrictions-1>

Planning Enforcement

To get a kerb dropped outside your house you will need permission from Kent County Council, but they will first need confirmation from Gravesham Borough Council as the Local Planning Authority that planning permission is not required for the works. If a dropped kerb is installed either by Kent County Council or a third party without planning permission first being obtained or without the development falling within permitted development rights, the Council's Planning Enforcement team may take enforcement action for the unauthorised development to be removed, in line with the Council's adopted Planning Enforcement Policy.

Glossary

Classified Road These are roads with an A, B or C designation

PD rights **Permitted Development** rights PD - Alterations or additions that are allowed to a house and the surrounding gardens and yards that do not require an application for planning permission. Permitted Development rights for householders are set out in the Town and Country Planning (General Permitted Development) Order 1995. A restriction on the paving of front gardens was introduced in an amendment to the order coming into force on 1 October 2008. In some areas of the country, known generally as 'designated areas,' permitted development rights are more restricted. If you live in a Conservation Area, a World Heritage Site, a National Park, an Area of Outstanding Natural Beauty or the Norfolk or Suffolk Broads, you will need to apply for planning permission for certain types of work which do not need an application in other areas. There are also different requirements if the property is a listed building. The general advice is that you should contact your local planning authority and discuss your proposal before any work begins. They will be able to inform you of any reason the development may not be permitted and if you need to apply for planning permission for all or part of the work.