

FRONT GARDEN PARKING CRITERIA

Please retain for your information

This criteria applies to all applications for a Domestic Footway Crossover made between **11th April 2022** and **31st March 2023** and supersedes all previous criteria and crossing approvals.

Exceptional Circumstances to the criteria may apply when safe to do so, to those only who are Registered Disabled and hold a valid Blue Mobility Badge, registered to the person living at the property application address, enabling us to assist and support those with wider accessibility needs.

Applications for Commercial Crossings: Properties that require access for commercial purposes are subject to a separate process and application. These crossings are generally for the use of heavier or more frequent traffic and may require a larger and more robust crossing than for a residential property. This may involve relocation of Utility apparatus and as such each location may be subject to investigation and liaison with Utility companies.

1. Forecourt Dimensions:

- 1.1. The Council will only grant permission for a footway crossing when the available off-road space is large enough to fully accommodate a vehicle. For perpendicular parking, the front garden parking area must have a clear length of 4.5 metres from the Public Footpath toward the building and width of at least 2.4 metres. This area should be clear of any obstacle that could affect the passage of a vehicle.
- 1.2. If the area is less than that described an application for parking at an 'angle' can be considered but approval will only be given if the proposed parking space can be entered by a vehicle from the road in a single and safe movement. The parking space must be maintained at all times.
- 1.3. For Angled Parking to be considered the available space between the Public Footpath and the building must be a minimum of 3.8m. In this case there must be a proportionate increase in the available width.
- 1.4. No application will be approved where the depth of the parking space is less than 3.8m
- 1.5. It will usually be expected that the vehicle will be able to enter and leave a frontage in one manoeuvre.
- 1.6. Other options will only be considered-for a registered disabled person living at the address provided the vehicle can be wholly parked within the curtilage of the property (enclosed area around front of property) and that no part of a parked vehicle will overhang the footway.

2 Crossover Widths:

- 2.1 A crossover shall be a single width of 3.6 metres (including angled kerbs) when serving one property. Only in exceptional circumstances will an alternative size be considered.
- 2.2 Where an existing shared crossover serves two properties an extension to the crossover may be allowed up to our maximum permitted size 7.2metres. The extension will be a maximum of 3.6 metres per property (including angled kerbs) measured from the centre of the existing shared crossover. There are *no other circumstances in which an extension to an existing crossover will be allowed*

3 Distance Between Crossovers:

- 3.2 Where separate crossovers serve adjacent properties, a minimum level platform of 300 mm must be provided between adjacent dropped kerbs.

4 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 may act on behalf of both parties although separate applications must be submitted by both parties and acceptance and payment must be made by both. (The cost of construction will be shared between both applicants).

5 Hard Standing:

- 5.1 Crossovers will not be constructed until there is a suitable hard-standing in place. The hard-standing must be of a solid form and base. Loose material such as unbound gravel will not be accepted as this could spill out onto the highway. **It is recommended that no work is carried out on your hard standing until such time as the Highways department has made a formal offer of approval and you have received your quotation.**
- 5.2 **Drainage:** The hardstanding must not drain onto the public highway. Your builder will be able to advise you on this. In order to control the way in which rainwater is managed The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 states that if the hard surface to your front garden is more than 5 square metres it must either be made of porous materials, or the water must run off into a soft landscaped or grassed area within your garden. If this cannot be achieved you will need to seek planning permission.
- 5.3 **Gates across vehicle entrance:** In no circumstances will gates fitted across the vehicle entrance to a property be permitted if they open outwards across the footpath or carriageway (Highways Act 1980 - Section 153).

5.4 **Crossover Construction:** Crossovers will be constructed by the Council's 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. This is in addition to the Application Fee.

5.4.1 The dimensions of a crossover will be dependent on individual locations taking in to account the verge and footway type. The size of a crossover will generally be 3.6m at the kerb edge reducing to 2.7m at the back of the footway.

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

6 **Obstacles to Construction:**

6.1 Approval of a Footway Crossing will not normally be granted if it requires the removal of street trees, highway shrubbery or amenity greens.

6.2 Where their construction will require either the removal or cutting of the roots, of a street tree, permission to proceed will only be given on the agreement of the Council's arboriculture team who will refer to the Council's current Tree Policy.

6.3 Generally, a street tree will only be removed if it is 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

6.4 It is also unlikely that approval will be given if the crossover requires the relocation of any street furniture e.g. lamp columns, road signs, litter bins or bus shelters. Consideration will only be given if the applicant agrees to meet the full cost of any relocation, including electrical supplies if appropriate, and if an alternative site is considered suitable.

6.5 If any Utility apparatus e.g. fire hydrant, manhole etc requires adjustment or relocation it will be the applicants responsibility to liaise with and pay the statutory authority direct. BT does not allow the relocation of telegraph poles.

7 **Road Safety:**

7.1 The Council has the right to reject any application under Section 184 of the 1980 Highways Act which it considers would result in a potential hazard to drivers or pedestrians. This must have regard for the need to ensure safe access and egress from the premises and the need to facilitate the passage of vehicular traffic on the highway.

7.2 Only locations, which have adequate sight lines for vehicles and pedestrians, will be approved. Recommendations may be made regarding improvements required to sight lines for the crossover to be approved. Such improvements shall be carried out prior to construction of the crossover. Footway crossings will generally not be approved where the crossover is in close proximity to existing or proposed features i.e. school entrance, road junction, pelican or zebra crossing, bus stop, road bend or traffic calming measures.

8 Traffic Flow:

- 8.1 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.
- 8.2 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.

9 Housing Properties:

If a property is, or was once owned by the Council, "Off Street Parking Permission" from the Housing Service will be required. This will be dealt with as part of the application process.

10 Controlled Parking Zones ("CPZ") and Restricted Parking Areas:

- 10.1 The Council will refuse crossover requests where this will result in the removal or reduction of on street parking, including a designated parking bay in an existing CPZ, permit parking area or where a CPZ or other parking scheme has been formally approved.
- 10.2 Where a new CPZ or parking scheme is planned, residents will be informed as part of the formal 21day consultation period and will be invited to apply for a footway crossing within this period. Applications will continue to be processed up until the date stated on the CPZ consultation outcome letter when it is formally issued to affected properties, and/or the public website is updated to reflect the outcome. Applications received after this time will be assessed in accordance with 10.1 above.
- 10.3 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 to the applicant(s).

- 10.4 To maximise parking availability residents who already have an agreed footway crossing in place are permitted to park over a dropped kerb outside their own house, subject to obtaining a valid permit, providing there are no double yellow line restrictions in place and as long as they are not obstructing the footway to the extent that free passage is restricted for pedestrians including wheelchairs, prams, or other mobility aids. They will not be permitted to park across any other dropped kerb including a shared dropped kerb between 2 properties and commercial vehicle crossings.
- 10.5 Committed to promoting and encouraging environmentally sustainable modes of travel an exception where possible to item **10.1** will apply to those who own an electric plug-in charge vehicle registered to the property, requiring off street parking to enable vehicle charging. Proof of registered keeper will be required, and all other conditions of the Front Garden Parking Criteria must be met.

11 Impact on Neighbouring Properties:

In order to limit the impact on neighbours, a crossover will only be provided over the section of footway immediately in front of an applicant's property. The exception to this is where neighbouring properties have both requested a shared crossover.

12 White Access Bars:

Residents may apply for a white access bar to be painted on the carriageway across the extent of the dropped kerb to highlight the area of the vehicle crossing and deter inconsiderate parking. The markings are advisory but where a vehicle parks across any dropped kerb without the permission of the property owner/occupier, a penalty charge notice can be issued. Because this offence relies on knowledge that no permission has been granted, we can only enforce after a complaint received.

These will only be installed in streets where there are no parking bays or restrictions.

The Council will install and maintain the white access bar line at the applicant's expense but reserve the right to remove this at a later date without refund to accommodate a parking or other highway improvement scheme.

13 Permitted Types of Vehicles:

Domestic vehicle crossovers are not designed to be driven over by heavy goods vehicles or mechanical equipment and should only be used by a private car, light goods or similar vehicle. Any damage caused to a crossover as a result of a delivery, or the placing of a skip or other heavy items will be repaired and the full cost of these repairs will be charged to the property owner or company responsible.

14 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.

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.

The Council will check and monitor any instances of, or complaints about, the overhanging of vehicles or the illegal crossing of the public footway. This will involve issuing an initial warning and then issuing a prohibition notice and fine where appropriate. Overhanging vehicles can be reported to the Councils Street Enforcement Team / Parking Enforcement team on 020 8215 3000.

15 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. Failure by the occupier to do this the Council may execute such works as may be necessary to prevent mechanically propelled vehicles from being taken across the footway or verge. This will not apply to premises occupied by registered disabled persons and the Council may recover the expenses reasonably incurred by them in doing so from the owner or occupier of the premises in question.

16 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.

17 Alterations to a Crossover:

The Council may need to alter the layout 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.

18 Costs and Timescales:

All charges for services and goods provided to customers are set and reviewed annually.

A non-refundable application fee will be charged for processing each application. This covers the cost of officers visiting and assessing the suitability of the location for a crossing and the production of an individual quotation.

On payment of the quoted cost of construction, an additional Administration fee is payable that covers the cost of officers checking the suitability of the hard standing,

liaising with and issuing orders to the contractor, checking works and dealing with queries, checking and agreeing contractor invoices and arranging payment.

The final cost will also include a one-off payment against future maintenance when identified by the Council at no further cost to the resident.

The fees, charges and enforcement cost schedule will be advertised on the Council's website, which are subject to a yearly review.

The cost for the construction of the crossover is based on the rates contained in the contract of the current term contractor for reactive Highway works that has been awarded following a competitive tendering process. The quoted price will be applicable for a period of 3 months following which a resubmission may be required.

Where on inspection it is evident that damage to the footpath has been caused through unauthorised crossing by vehicles, any associated works of repair will be included in the cost of works quoted.

The Council aims to construct crossovers within 8 weeks of payment having been received or an instalment plan agreed subject to the resident having all approvals and consents in place and the hard standing constructed.

Frequently Asked Questions
Please retain for your information

Q1 How much will my footway crossing cost?

A1 Unfortunately we are unable to quote a price until an inspection of your property following receipt of an application has taken place as the cost is specific to each property and will differ according to the construction type and depth of the pavement outside your home.

Q2 How long does it take to approve and install the crossing from application to completion?

A2 We aim to install your crossing within 12 weeks from receipt of your application (subject to all conditions being met).

Q3 How long will it take for me to receive my quotation?

A3 We aim to notify you of your quotation cost within 4 weeks of receipt of your application, however if we are unable to meet this target we will let you know what the reason is for the delay.

Q4 Can I have my crossing extended or an additional one installed now I have increased the size of my parking area or now that I have a garage?

A4 The council only permits one size of crossing and only one crossing per front garden.
If you require a second crossing it may only be **considered** if it is for rear/side garden access from another road not accessed from the front of your property. A crossing will only be extended if it is less than 3.6m. All are subject to approval.

Q5 There is a streetlight or signpost outside my house can these be moved?

A5 Under most cases these items can be removed or relocated, but only if the applicant agrees to meet all expenses incurred.

Q6 There is a telegraph pole outside my house can this be moved?

A6 Unfortunately telegraph poles cannot be moved. If the item is too close to your proposed crossing your application will be denied.

Q7 I have a shared crossing with my neighbour; can I also have a separate crossing?

A7 Not at the front of your property, but we may be able to extend your shared crossing if it is less than our standard size in front of your own property. We may also allow a separate crossing but only when it serves the rear of the property.

Q8 Can the footway crossing be installed before I have completed my hardstanding?

- A8 Unfortunately not, your hardstanding (including drainage) will need to be completed before the construction of the footway crossing can commence.
- Q9 Does my front wall or fence need to be removed, before the crossing is installed. If a tree, lamp column or sign needs moving must this be completed first?**
- A9 Yes, the council will not install any footway crossings until any obstructions have been satisfactory removed.
- Q10 Do I need to inform the council when my hardstanding is complete?**
- A10 Yes, until such time we are informed that it has been completed, and verified, the footway crossing will not be installed. We request you phone or send a brief letter to our offices confirming that it is now complete.
- Q11 I have already got shingle, Chipping's or pebbles as my hardstanding is this acceptable?**
- A11 Unfortunately not, the council does not consider any form of loose material as adequate hardstanding. We require a solid base for your hardstanding.
- Q12 Do I need to install drainage to my hard standing?**
- A12 Yes if the area is 5 square metres or more or if water will run on to the pavement.
- Q13 Where can I find more information about the legal requirements of paving over my front garden?**
- A13 If you would like to read more about the new legislation, information can be found on the Planning Portal website at:
<http://www.planningportal.gov.uk/permission/commonprojects/pavingfrontgarden/>
- Q14 If I am currently planning an extension/major building works to my property, can I have a footway crossing installed prior to commencing these works?**
- A14 Unfortunately not, the Council's criteria states that you must have a minimum of foundation level construction completed before we are able to adequately assess your application. (This is due to size and layout limitations)
- Q15 If I am planning to build a new property, can I have a footway crossing installed before these works commence?**
- A15 Unfortunately not, the council's criteria states that you must have a minimum of foundation level construction completed before we are able to adequately assess your application. (This is due to size and layout limitations)
- Q16 As my home is or was once owned by the Council how long will it take to receive "Off Street Parking Permission" from my local Housing Office?**
- A16 A request will be sent to the Housing Service on your behalf as part of the application. If it is not to be allowed a response will be received within 4 weeks from receipt of your application.

- Q17 Can I park my vehicle on my front Drive without a dropped kerb**
A17 No, It is an offence to access your front drive without an authorised Footway Crossing (Dropped Kerb). The Council will consider Enforcement action where a vehicle is found to be doing this. You should therefore not park on your garden / drive until the crossing is constructed.
- Q18 Can I have a line marked in front of my footway crossing to deter vehicles from parking?**
A18 Residents may apply for an advisory white "T-bar" to be marked in front of their crossing at their expense. A separate application form is available on the Council website.
- Q19 I have a road hump outside my property, will I be able to have a vehicle crossing constructed.**
A19 A vehicle crossing cannot be constructed to overhang a road hump. It may be possible to construct a crossing to one side of the hump if there is a minimum of 3.6 meters unobstructed footway directly outside your property and the crossing construction is kept within the curtilage of your property boundary and there are no fixed features within close proximity of the crossing location i.e., a tree or bollard. A site survey must be completed, and the impact of the application assessed before any approval or denial of the application is confirmed.
- Q20 I have a road narrowing chicane outside my property, will i be able to have a vehicle crossing constructed.**
A20 It is highly unlikely, but until a site survey has been completed to assess the impact of the traffic calming measure in relation to an application, we cannot confirm the approval or denial of your application.
- Q21 My application has been denied but vehicle crossing are constructed outside other properties under similar circumstances**
A21 The Front Garden Parking Criteria is reviewed annually, amendments or approval criteria may alter allowing a consistent approach moving forward for that year. The approved criteria for that year supersedes all previous criteria and crossing approvals, no precedent is set for any crossing constructed under a previous criteria.
- Q22 I have a bus stop outside my property, will I be able to have a vehicle crossing constructed.**
A22 It is highly unlikely, we cannot alter any feature or street furniture relating to a bus stop or shelter, these are a TFL owned asset, a site survey must be completed, and the impact of the application assessed before any approval or denial of the application is confirmed.
- Q23 Can I appeal the denial of my vehicle crossing application.**
A23 Yes visit the council website here <https://www.lbbd.gov.uk/dropped-kerbs-footwaycrossings> guidance is provided regarding the appeals process and our terms and conditions relating to vehicle crossing applications.

Q24 I am registered disabled and hold a valid blue badge will exceptional circumstances apply to my application.

A24 Yes consideration of the application will take in to account your needs and assessed in accordance with the policy.

Q25 I own an Electric Plug-in charge vehicle and require access to my front garden to enable safe charging.

A25 The criteria applied is designed to maintain safety and accessibility of our public highway. As per section 10.5 of the policy exemptions will apply as we support and encourage environmentally sustainable vehicles on our road network.