

Briefing – Crossovers

27th November 2023

Environment and
Community Engagement
Scrutiny Commission

1.0 Summary

The aim of this briefing is to update the Commission on the current policy with respect to vehicle footway crossovers and what can be done to restrict the formation of new crossovers.

2.0 Background

The general presumption is that requests for dropped kerbs are usually granted as there is a common law right of vehicular access to residential properties from the public highway.

In most cases, only Highways are involved in the approval process and the requirements and constraints are set out in the below weblink, which includes a link to the department standard DS132.

https://forms.southwark.gov.uk/ShowForm.asp?fm_fid=2067

Applicants complete a form and send to Highways who will investigate the feasibility after a non-refundable fee of £165 is received. If the application is approved the applicant is sent an estimated quote and advised if any planning permission or amendments to the front of their property is required.

If the crossover requires planning permission (ie it is on a classified road, in a conservation area, serves more than one property, or is for commercial premises), the applicant will need to obtain the permission and carry out any works required by Planning before a crossover can be installed.

Construction work is not commenced until the full costs have been paid. Typically crossovers cost between £1-2k dependent on size and any utility covers that may have to be adjusted. The work is carried out by our term contractor.

The applicant can use their own contractor but this would inevitably cost more due to the need to apply for a Private Streetworks licence, and all the associated utility plans, plus £10m public liability insurance where most small contractors only have £5m cover.

3.0 Options for restricting crossovers

- There is no clear legal mechanism to restrict crossovers on environmental grounds.
- Crossovers can be restricted on highway safety grounds; such as proximity to junctions, bus stopping areas and where there are inadequate visibility splays. The current standard sets out the main circumstances where crossovers may be refused.

- Any general moratorium on new crossovers cannot be introduced due to the common law right to access and off road parking facility from the public highway.
- The council may be able to issue an Article IV Direction under planning legislation to restrict the conversion of gardens to hard standing for vehicles. This would mean that every application within the area specified in the order would require planning permission. However, the downside is that the council would be liable for any reduction in the property value due to the refusal to allow a vehicle hard standing/crossover. The Secretary of State's view is that blanket Article IVs are not generally considered appropriate and he has the power to intervene.
- The council may be able to amend the existing departmental standard for crossovers to seek to limit new crossovers in area with high parking stress/in a CPZ if the crossover would reduce the level of on street parking. This could not however be an absolute restriction because the law requires the council to have regard to several factors (primarily safety) when determining crossover applications and the loss of on street parking would just be one of the factor which would need to be considered.. The downside is that this constraint would need to be considered on a case by case basis and may not be able to be used in an area with low parking stress or where there are no CPZs/planned CPZs. This is an approach taken by other boroughs such as Camden and officers intend to discuss its effectiveness with their counterparts in other authorities.
- There is no legal mechanism to charge an annual fee for residents with existing crossovers. Fees can only be charged for evaluating requests and for the costs associated with implementation of the crossover. From 1 April 2024, the non-refundable fee for crossover evaluation will increase to £250 based on the actual costs incurred and benchmarking with other London Boroughs (see Appendix 1).

4.0 Conclusions

The only two potential options are the Article IV route and the parking stress/CPZ route. Both approaches carry risks. The former may result in an intervention by the Secretary of State and has the potential to result in incurring significant financial costs to the council.

The parking stress/CPZ route may be the most viable option albeit applications will still need to be considered on a case by case basis. Clear guidance will need to be drawn up to ensure that in taking decisions in respect of individual applications, the approach to decision-making is clear and consistent and follows a clear set of established priorities and rules.

Both options run counter to the common law presumption that residents should be able to access property from the highway.

Appendix 1 – Benchmarking results with other London boroughs

Borough or County (Name)	Upfront application fee (£)	Average Cost	Comments	Website link
Southwark	No	£165	Application fee (non-refundable)	
Barking and Dagenham	Yes	£196	Application fee (non-refundable)	https://www.lbbd.gov.uk/parking/dropped-kerbs/step-by-step/apply-dropped-kerb/dropped-kerb-application
Barnet	Yes	£220	Cost decided by council + £239 legal fee	https://www.barnet.gov.uk/roads-and-pavements/apply-have-your-kerb-lowered#title-1
Bexley	No		Cost is £1,385 + £50 admin	https://www.bexley.gov.uk/services/parking-transport-and-streets/dropped-kerbs/applying-new-dropped-kerb#:~:text=Applying%20for%20new%20residential%20vehicle%20crossovers
Camden	No		Estimated cost £2k - £10k, £3,500 for TMO consultation. <u>Non-refundable. Not permitted in CPZ.</u>	https://www.camden.gov.uk/dropped-kerbs
Brent	Yes	£105	Application fee (non refundable). Cost decided by council	https://www.brent.gov.uk/parking-roads-and-travel/roads-and-streets/vehicle-crossings-and-dropped-kerb
Bromley	Yes	£100	Application fee (non refundable). Cost decided by council	https://www.bromley.gov.uk/roads-highways-pavements/access-drive-crossovers-dropped-kerbs/2
City of London	?		Only consider new, revised or temporary crossovers as part of a redevelopment. Need <u>to call council for application.</u>	https://www.cityoflondon.gov.uk/services/streets/road-highways-and-pavements/highway-licences
Croydon	Yes	£150	Application fee (non refundable). Cost decided by council	https://www.croydon.gov.uk/transportandstreets/rhps/pavements/crossovers/vehaccess1
Ealing	Yes		Typical cost £1300-£1800, More with additional works.	http://www.ealing.gov.uk/download/downloads/id/6833/application_pack_for_residents
Enfield	Yes	£239	Application fee (non refundable). Cost breakdown	https://www.enfield.gov.uk/services/roads-and-transport/dropped-kerbs-for-vehicles

			on website e.g £267/sqm for construction	
Greenwich	Yes	£167	Domestic crossover costs £1,679	https://www.royalgreenwich.gov.uk/info/200263/parking_and_permits/949/apply_for_a_dropped_kerb/2
Hammersmith and Fulham	Yes	£500	Application fee (non refundable).	http://www.lbhf.gov.uk/Directory/Transport_and_Streets/Roads_and_pavements/Dropped_kerbs_and_crossovers/20754_Crossover_guidance_notes.asp
Hackney	Yes	£185	Estimated cost £1,400-£5,000	https://hackney.gov.uk/dropped-kerbs-crossovers
Haringey	Yes	£361	Average costs £2,700 Vary between £500-£16,000	https://www.haringey.gov.uk/parking-roads-and-travel/roads-and-streets/road-care-and-maintenance/vehicle-crossover-dropped-kerbs
Harrow	Yes	£309	Cost breakdown on website e.g £160/sqm for construction	http://www.harrow.gov.uk/info/100011/transport_and_streets/277/vehicle_crossovers
Lambeth	Yes	?	Cost decided by council	https://www.lambeth.gov.uk/streets-roads-transport/streets-roads/dropped-kerbs
Lewisham	Yes	£227	Minimum cost is £900, price per square metre	https://lewisham.gov.uk/myservices/parking/crossovers--dropped-kerbs-and-white-lines
Richmond Upon Thames	Yes	£275	Costs between £2,000-£2,500 + £900 admin fee	http://richmond.gov.uk/dropped_kerbs
Waltham Forest	Yes	£350	Cost £190sqm	http://www.walthamforest.gov.uk/pages/services/roads-vehicle-access-kerbs.aspx