

Criteria for Dropped Kerb Accesses

Introduction

This criteria applies for permission to construct, extend or alter a domestic dropped kerb for one or two dwellings.

If you want permission for an access to serve more than two dwellings or for industrial, commercial, or agricultural premises, please contact the Development Management Team at highways.developmentcontrol@suffolk.gov.uk

Please read the full document below before completing the application form and sending, with any relevant documentation to:

Dropped.kerbs@suffolkhighways.org

Alternatively, a completed application form can be posted to:

Suffolk Highways
Phoenix House
3 Goddard Road
Ipswich
Suffolk
IP1 5NP

The word **Highway** means the carriageway (road), footway (pavement), public rights of way and verges beyond your property boundary, maintained by Suffolk County Council (SCC) as the Highway Authority.

When we refer to a dropped kerb, we mean the area between the road edge and your property boundary which you wish to drive over. Our criteria also looks at the provision for your vehicle on your land e.g., dimensions, materials, drainage etc.

On approval, all work associated with the construction or alteration of the access must be met in full by the applicant.

Highways Consent

We are responsible for protecting the rights of all users of the highway. We refer to the following acts: **Highways Act 1980** (Sections 171, 174 & 184), **New Roads and Street Works Act 1991** and **Traffic Management Act 2004**.

Where planning permission is required, either by nature of the road classification, usually 'A', 'B' and 'C' class roads, or by nature of associated works e.g., construction of a new garage, please contact your Local Planning Authority (LPA) to gain consent.

Generally, access onto a 'U' class road does not require planning permission, however it is your responsibility to confirm this with your LPA as this may not be the case in every circumstance.

The category of your road can be found on our List of Streets using this link: [list of streets](#)

Note: *Obtaining approval from SCC is separate from obtaining approval from your LPA.* For further information see **Criteria M – Planning and other Consent**.

Please do not presume that your application will be approved - not all properties along a section of road can have a dropped kerb.

All vehicular access work on the highway requires written permission from us (regardless of whether you have planning permission from the LPA) and no work must start until permission has been granted. Work must be undertaken by a contractor accredited with the New Roads and Street works Act 1991 to carry out work within the public highway and hold a minimum of £5 million public liability insurance.

A full application fee of £400 will be charged by us to cover the cost of processing a full application. This includes all administration, site inspections and the recording of works.

The fee is **non-refundable** even if the application is refused.

Once you have sent us all the required information you will be informed of the outcome within 20 working days. If your application is successful, it is valid for **one year** from date of approval letter after which you will be required to submit a new application with all applicable fees.

The application will be considered against the criteria. If you do not meet the criteria, it is likely your application will be refused, so please read these carefully. We will carry out a site inspection to confirm the information you have given us is correct.

In the event of refusal, the reasons for this will be given in the refusal letter. If you disagree with this decision, you can request a peer review. For a peer review to be successful you must be able to provide additional information on how you meet the criteria.

Pre-application Advice

Where your application may differ from the criteria or if you are in any doubt over whether your application will be acceptable, you will need to apply for **pre-application advice**.

Examples of where this may be applicable include:

- Depth of parking space below the SCC standard i.e., less than 4.99 metres but greater than 3.99 metres.
- Second accesses i.e., in/out arrangements.
- Accesses at the rear of a layby where the fundamental purpose of the layby has already changed.
- Impact to on-street parking.
- Road safety.
- Reduction in visibility splay requirements.
- Parallel access parking.

These examples will be explained in more detail in the criteria which follows.

The fee for pre-application advice is £200 (which is non-refundable) and any formal advice received is valid for a period of 6 months. If you then continue to a full application this will be

deducted from the full £400 fee. If you have not applied for a full application within that 6-month period, you will be required to submit a new application with all applicable fees.

Payment should be made in full at time of application (preferably by a card transaction), failure to do so will mean your application will be returned.

If you need to extend the approval for a further year, this will need to be agreed in writing by SCC and is subject to an additional £50 fee.

Pre-application advice is not permission to undertake the work, you MUST complete a full application within the timescales stated.

Criteria

A. Size of Parking Area and Dimensions of Access

The minimum size of a standard parking space must be 2.5 metres wide (3 metres if between solid boundaries, such as walls and fences) by 5 metres deep. If the parking space is in front of a forward projecting garage door(s) the depth required will increase by 1.2 metres. This is so space is available to gain access.

Figures 1 - 3 show what we mean by depth of parking, 'single' and 'shared' access and gives the minimum and maximum dimensions, where applicable.

Figure 1 – Depth of Parking Space

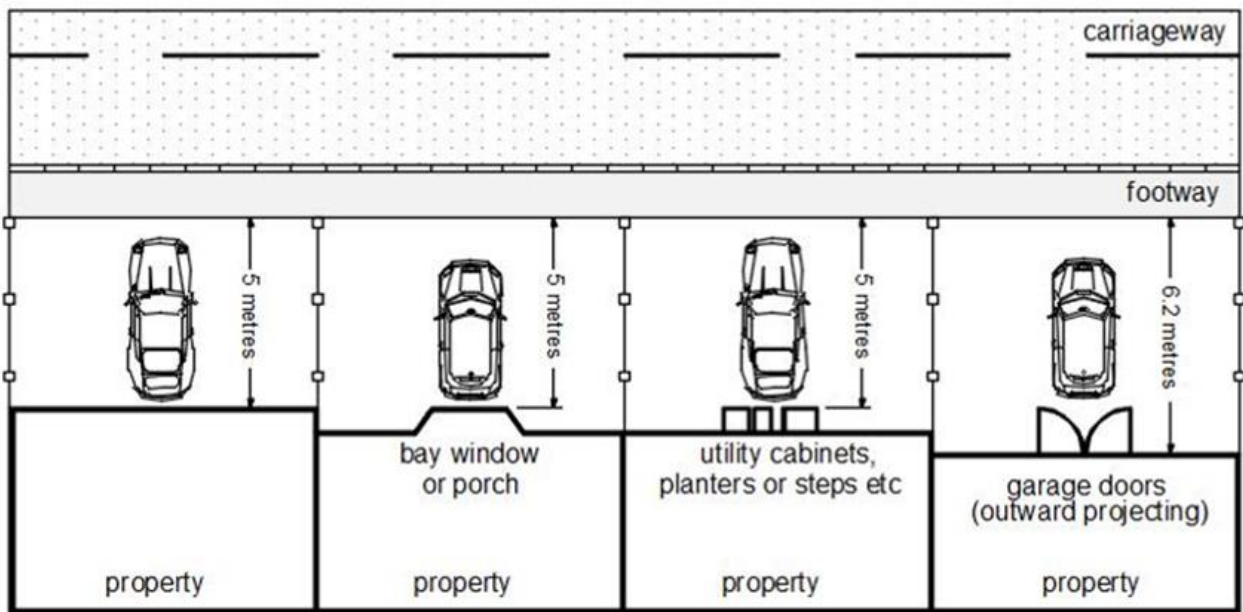
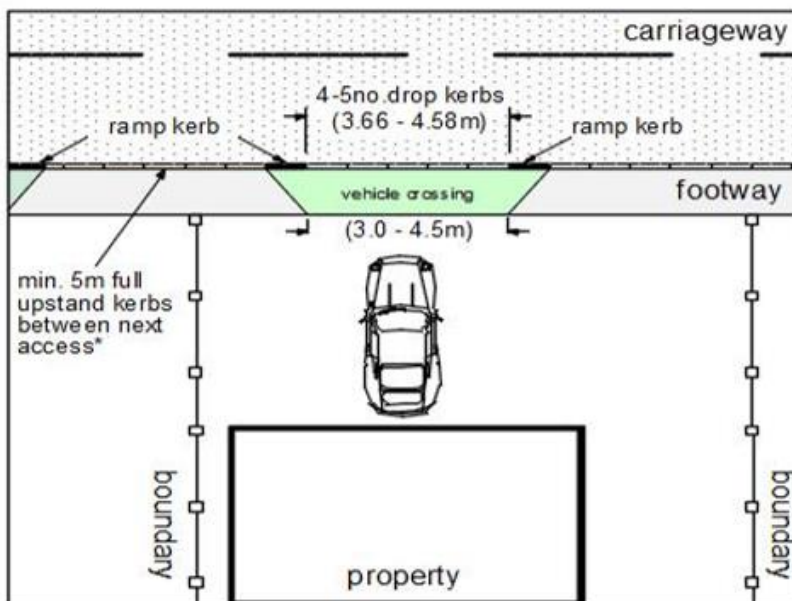
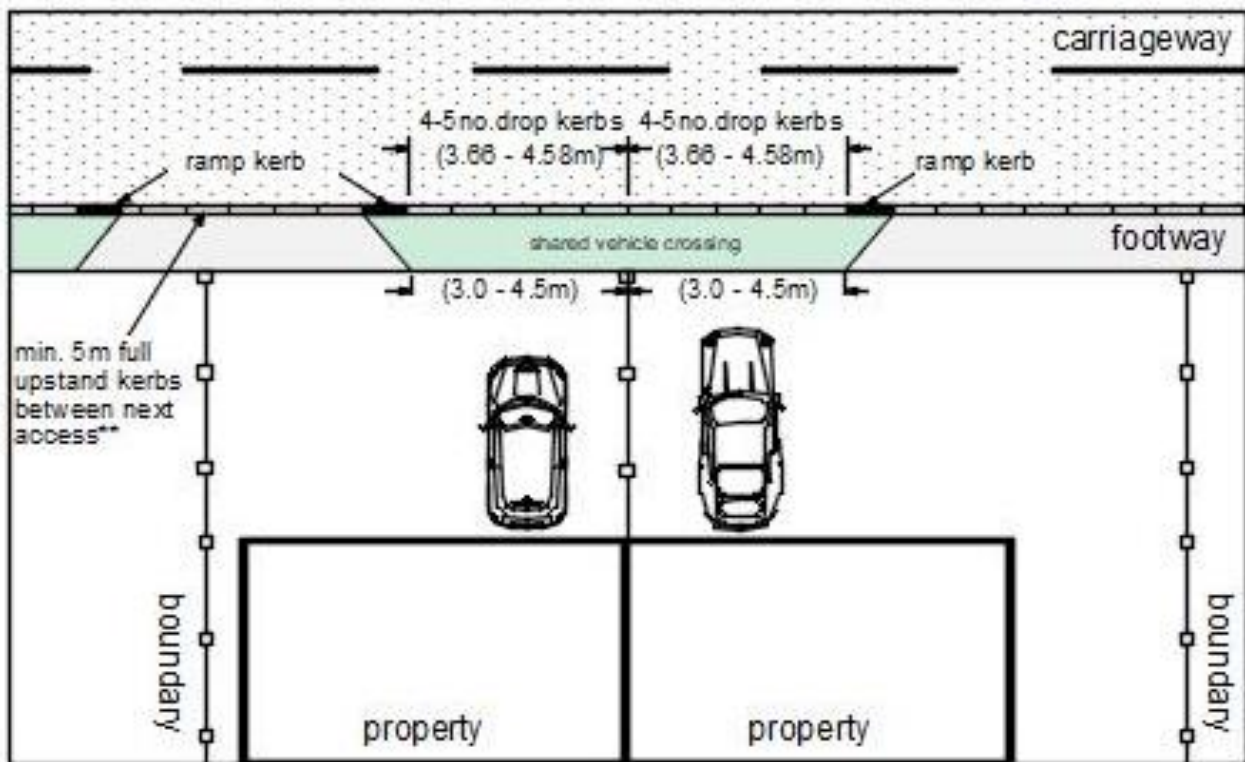


Figure 2 - Single Access



* see Section D for further information

Figure 3 - Shared Access



** see Section D for further information

Where you cannot meet the minimum standards of 5 metres for depth, we will consider an application for a non-standard access depth between 4.00 metres and 4.99 metres.

(Note – for new build homes this departure from standard is not allowed as the parking depth should meet the requirements of the Suffolk Guidance for Parking i.e., 5 metres).

For a non-standard access depth, the approval will include additional conditions, such as:

- Vehicles using the parking space must do so without causing an obstruction to the highway i.e., overhang your property boundary. **Note - it is a legal offence to obstruct the highway and enforcement action can be taken.**
- The approval will be recorded on SCC Land Charges database against the property and will therefore be disclosable on future searches relating to the sale of that property.

B. Electric Vehicles

This criteria will equally apply to petrol/diesel vehicles or alternatively powered vehicles. Electric vehicles (EV) are becoming much more equivalent in size to petrol/diesel vehicles and therefore no differentiation will be made within this criteria.

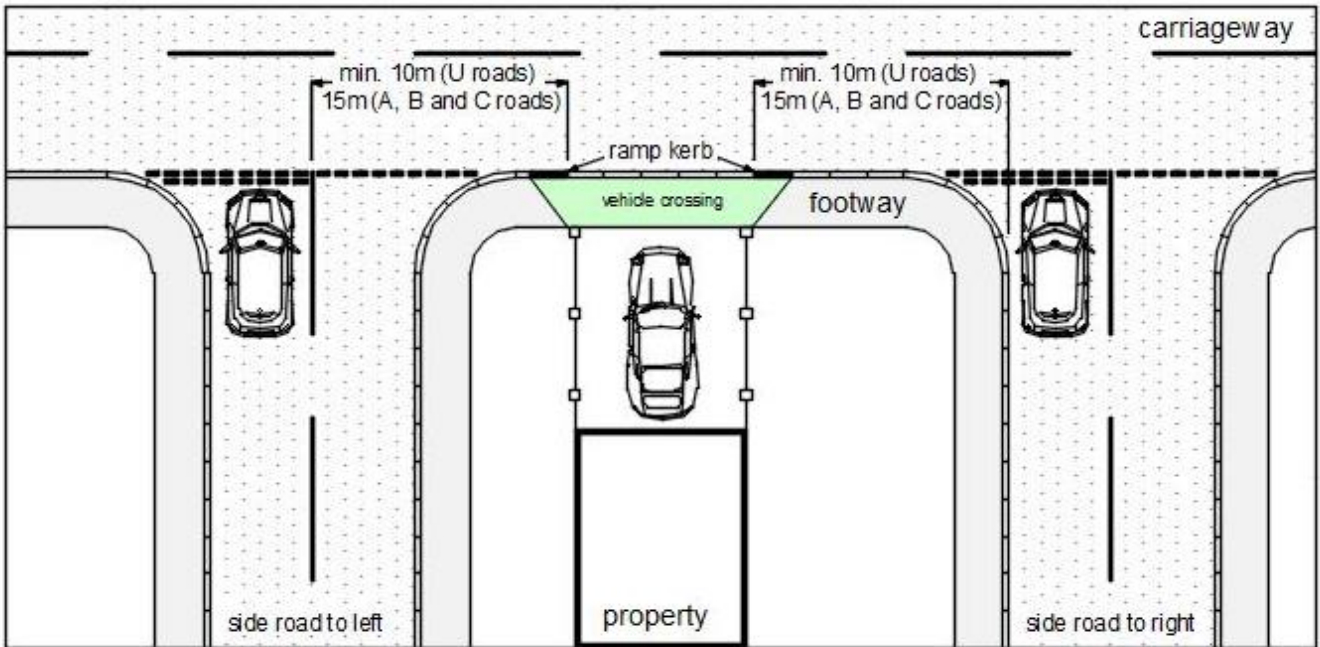
If you do not have access to off-road EV charging, please check the link below. It is not permissible to extend your charging beyond your boundary i.e., cables across, over or under footways/verge to the carriageway.

<https://www.suffolk.gov.uk/roads-and-transport/transport-planning/electric-vehicle-charging-policy/>

C. Distance to Junctions

Your new access or extension to your existing access should not be any closer to a junction than the dimensions shown below. This relates to the position of a vehicle as they exit that junction and is important for visibility and stopping sight distances.

Figure 4 – Distance to Junctions



D. Impact on On-Street Parking

Applications will be approved when the distance between the proposed new access (including extensions to existing) is 5 metres or more (which is considered the minimum size needed for a vehicle to park on the road) as we need to protect on-street parking for the benefit of all road users.

The 5 metre rule will not apply if there is a traffic order in place for permanent restriction of parking at any time (e.g., double yellow lines, clearways, zigzags or yellow box markings).

Applications will be refused where highway parking in the area is managed to the benefit of residents e.g., resident permit parking, communal, disabled or time limited bays.

Where you do not meet the 5 metre rule and you consider that on-street parking issues are not prevalent in your area (i.e., outskirts of a town or in villages), you may still be able to apply using our **pre-application advice service** - where we can assess your application on the evidence you provide.

Examples of evidence may include:

- Photographs at various times of the day showing no on-street parking issues.
- Existing parking culture i.e., all vehicles park down the opposite side of the road.
- Suitable distance from any infrastructure that increases on-street parking needed at peak periods, e.g., schools, football grounds etc.

- Supporting information relating to overall net gain in parking e.g., if space on the property would allow 2 or more vehicles to park at the loss of 1 vehicular space on the highway, then this may be considered.

E. Visibility Splay Requirements

Good visibility is essential to enable drivers coming out of an access to see, and be seen, by motorists and pedestrians using the carriageway or footway. We have requirements for both pedestrian and vehicular visibility.

Any fixed object with a diameter less than 300mm will not be considered an obstruction when determining visibility requirements.

Where you are unable to meet the required visibility standards, relevant to the nominal speed limit (as shown in Figure 5 below), you may want to obtain a speed survey, via SCC data collection team (or a suitable private consultant) to show that the corresponding 85%ile measured speed will reduce the Y dimension of the visibility splay in order to meet the requirements.

Note: The 85%ile speed is the speed at or below which 85 out of 100 motorists drive on a given section of road. This speed indicates the speed that most motorists on the road consider safe and reasonable.

If using a private consultant, the traffic survey must be undertaken in accordance with approved standards, methods and process approved by SCC to ascertain the actual 85%ile speed. Where the 85%ile speed is shown to be within the limits of a lower or higher speed limit then visibility requirements should be adjusted accordingly.

Figure 5 - Vehicle Visibility Requirements (for private accesses)

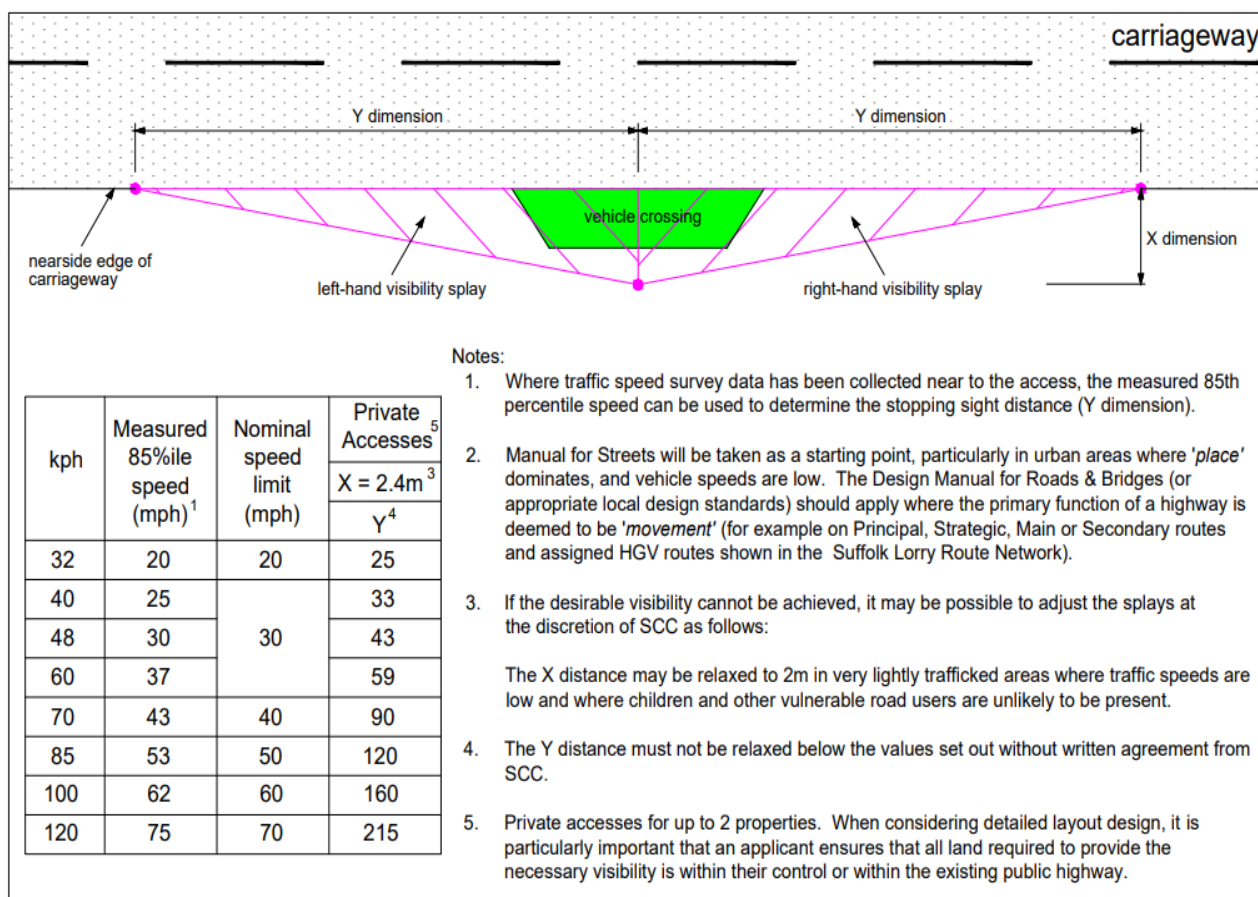
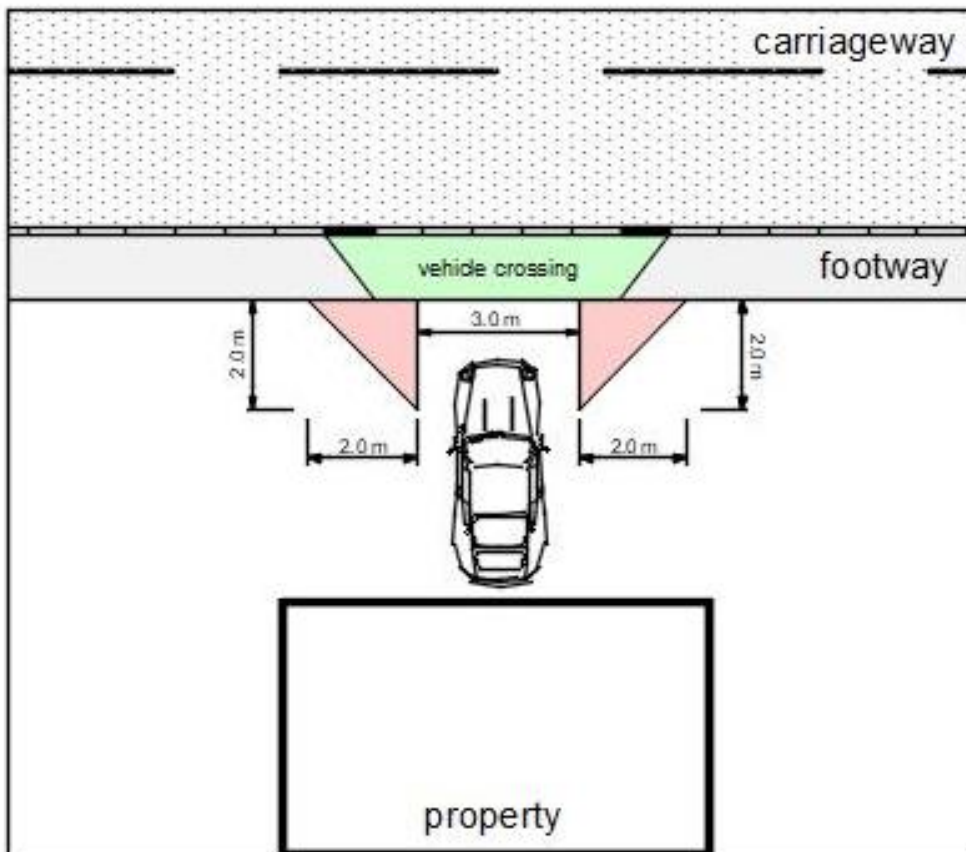


Figure 6 – Pedestrian Visibility Requirements



Any objects (fences, hedges, walls etc) within the area coloured **RED** need to be removed or reduced to a height under 600mm. The 3.0 metre dimension is divided equally about the centre line of the access (i.e., 1.5 metres either side). **Where this width is 4.5 metres this should be 2.25 metres either side.**

F. Road Safety

After we have received your application, we will assess road safety issues such as visibility, proximity to junctions, pedestrian/cycle movements, and the location of street furniture, trees, services etc.

We recognise that improvements to historic access arrangements may offer betterment value in terms of road safety, even if they still do not meet our criteria. In these circumstances you are encouraged to apply for pre-application advice so we can assess your application on its merits.

We will refuse an application if there is a safety issue which cannot be resolved.

G. Second Accesses

We generally discourage the use of second access arrangements due to the additional loss of on-street parking relative to the property. However, we acknowledge there may be circumstances where it may be a suitable option e.g., where no on-street parking issues exist.

H. Extending an Existing Access

We will only approve an increase if the total length of the access will be **less than** the dimensions shown in the table below (and complies with other criteria - mainly to protect on-street parking).

	Maximum length of dropped kerb (excluding ramp kerbs). Single Access	Maximum length of dropped kerb (excluding ramp kerbs). Shared Access
Where an access does cross a footway	4.58 metres = 5 kerbs	9.15 metres = 10 kerbs
Where an access does not cross a footway	8.24 metres = 9 kerbs	10.98 metres = 12 kerbs

I. Laybys

Accesses in laybys will be refused except onto the splays/tapers (sides of the layby). Laybys provide valuable off-road parking for all users, including delivery drivers, home carers etc and as such we do not wish to see their use diminished.

If the fundamental purpose of the layby is already altered, by the presence of historically approved accesses or a no waiting at any time restriction is present, we may consider an application on its merits. In these circumstances you should apply for pre-application advice.

J. Parallel Access Parking

Parallel access parking is where a vehicle stops on the highway and then, usually in reverse gear, accesses the parking area to park parallel, alongside the highway.

We will only consider applications for parallel access parking where your property has a minimum parking or hardstanding area of **9.6 metres long and 3.5 metres deep** (from the boundary of the highway to the front of the building).

This is not our preferred choice of vehicle access, as it:

- Requires vehicles to drive along the footway which can put footway users at a greater risk.
- Requires an increase in manoeuvring – especially if there is adjacent on-street parking which would increase the swept path of the vehicle.
- Causes an increased risk to pedestrians and other road users due to restricted visibility by not being aligned perpendicular and central to the access.
- There is greater potential for damage to adjacent footways and kerbing.
- Car doors would, potentially, open out across the footway.
- Longer lengths of dropped kerbs may be required – thereby reducing on-street parking and the potential to disadvantage neighbouring properties from applying in the future - as the “5 metre rule” may be more difficult to meet (see Section D above).
- Visibility would probably be restricted, ahead and behind, before manoeuvring out of the parked position – which is more hazardous than a vehicle parked perpendicular.
- May encourage vehicles to park perpendicular (for ease) which would result in overhanging the highway (footway/verge).

A pre-application should be made, evidencing how this can be safely achieved.

K. Vehicular Access Protection Markings or ‘H’ Markings

If you wish to protect your access with a white ‘H’ marking you will need to use the following link [apply for an H marking](#) Note - these are not legally enforceable and a fee is payable.

L. Accesses for Motorcycles or Mobility Scooters

It is expected users of mobility scooters will use the footway to access their property. Where no viable alternative access from the carriageway is close by, or that route is restricted or not permitted, an application will be considered on its merits. The maximum width of the dropped kerb for such an access will be limited to 1.83 metres (not including the ramped kerbs).

Pedestrian visibility criteria will apply if the property access is on to a footway (Figure 6).

M. Planning or other Consents

In addition to permission from SCC, prior consent will also be required from your LPA, if any of the following conditions apply:

- if the proposed dropped kerb/vehicle access is on a classified road (A, B or C class)
- the property is a listed building
<https://www.suffolk.gov.uk/planning-waste-and-environment/buildings-in-suffolk/>
- the property is located within a conservation area
<https://www.suffolk.gov.uk/planning-waste-and-environment/buildings-in-suffolk/>
- it is proposed to construct an impermeable drive or hardstanding of more than 5 square metres within the front garden of a property <https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/guidance-on-development-and-flood-risk/>
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7728/pavingfrontgardens.pdf
- the access is to an industrial, commercial or agricultural premises. If it is, please email the Development Management team at highways.developmentcontrol@suffolk.gov.uk

There may be other situations which we have not listed which require permission and it is your responsibility to check and get permissions before applying to us.

N. Works affecting ditches and watercourses

Any existing ditch or watercourse at the site of the proposed dropped kerb is there to allow for the flow, storage, or soakage of water. It may not be filled in or piped without consulting with SCC’s Flood and Water Management Team.

Further information can be found on the SCC website using the link <https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/working-on-a-watercourse> or email floods@suffolk.gov.uk

If applicable, a copy of their approval to your proposals must accompany the application form.

O. Permission from freehold property owner

If you are a tenant in the property for which you wish to make an application, the permission of the landlord must be obtained for parking a vehicle within the boundary of the property before applying to us.

The property owner must also sign the application form accepting the conditions of the application.

If the property is a council owned property or owned by a housing trust or association then permission will be required from them. A copy of the permission must accompany your application.

On housing estate roads, there is sometimes an area of grassland which falls under the ownership of the district/parish council or housing association i.e., not part of SCC's extent of highway. In these situations, you will need to provide written permission from those responsible and submit with your application.

P. Design Considerations

SCC may specify the location of your new access - mainly to allow neighbouring properties to have the option of applying in the future. In addition, we may also restrict the width of the access (to the minimum of 3.66 metres) or allow slightly wider accesses (above the standard 4.58 metres). This is to limit the "up and down" effect, of constantly changing levels, therefore making it more comfortable for those using the footway.

Standard layout and construction details will be sent to you at the time we grant permission for the dropped kerb.

Only bound surfaces are permitted within the highway and for the first 5 metres within your property (or depth agreed if less). This is essential to ensure that loose material (such as gravel) will not be carried onto the highway and cause a hazard.

Once you have permission to construct, extend or alter an access, you must reconstruct the entire section within the highway (unless agreed otherwise by SCC) to our construction specification as existing highway may not have been built strong enough to take the weight and movement of vehicles.

The construction of the dropped kerb access must not result in any change to the level of the adjacent highway unless this has been agreed by SCC.

Gates across the access are not permitted unless they are 5 metres from the highway boundary and shall open inwards towards the property.

Q. Dealing with Surface Water

A 'sustainable drainage' system must be used to prevent water from spilling onto the highway.

Please be aware that construction of a dropped kerb may result in highway surface water entering the access. Surface water run-off from the property on to the highway will not be permitted. In both cases, measures must be provided by the applicant to prevent this. The

responsibility and cost of adequately dealing with the potential problem rests with the applicant.

All new hard standings on your property, more than 5 square metres, require planning consent and must be of permeable construction or have a method of dealing with surface water runoff to prevent any flow to the public drainage system. You should consult “Guidance on the permeable surfacing of front gardens”.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7728/pavingfrontgardens.pdf

If you intend to connect to the public sewer system, you will require permission from your LPA and from the owner of the system, usually Anglian Water or Essex and Suffolk Water.

R. Gradient Design

If there is a footway/cycleway to cross, the access ramp to the road edge must be no greater than 1 in 12 where the combined footway/cycleway/verge width is less than 1.5 metres wide (see Photo 1).

Where the footway/cycleway/verge is wider than 1.5 metres, the ramp may be increased to 1 in 8 to retain as much of the existing level footway as possible (see Photo 2). This is to promote greater accessibility for pedestrians and cyclists. As each location is generally different, specific measurements will be advised as part of our approval process.



Photo 1



Photo 2

S. Works Affecting Trees on the Highway

Your application may be refused if the proposed dropped kerb (or extension to) requires the removal of a healthy tree or if your works are planned within 1 metre of the trunk of a healthy tree within the highway.

If any trees are likely to be affected by construction or you feel the tree itself offers low amenity value, be unhealthy and one which may require considerable ongoing maintenance in the immediate future you will need to apply for pre-application advice.

Additional costs may be incurred by you if we consult with relevant District/Borough Council’s Arboricultural Officer to assess the impact on the tree/s. If applicable, a copy of their report

will be made available to you. This may be a condition from the LPA should your access require planning permission.

If the recommendation concludes that a tree(s) could be removed (with the agreement of SCC and the LPA) we require the applicant to provide evidence they have funded a replacement tree away from the public highway.

More details on trees and hedges can be found here: <https://www.suffolk.gov.uk/roads-and-transport/roads-pavements-and-verges/trees-grass-and-weeds/trees-and-hedges/>

If the tree does have a Tree Preservation Order on it, the applicant will be required to evidence that all necessary conditions of the LPA have been met.

T. Works Affecting Utility Apparatus and Street Furniture

Apparatus (such as electricity and telegraph poles, water, gas mains and streetlights etc.) may be affected by the proposed works if they generally fall within 1 metre of any part of your proposal. It is a legal requirement that you or your contractor contacts the owner of the apparatus and/or street furniture, prior to work starting.

If any apparatus is required to be moved or adjusted because of the work, this must be arranged, and costs met, by the applicant.

U. Responsibility for Repairs

You should be aware that the cost of repairs to any damage caused to the highway because of constructing the dropped kerb, or any other building work, will be your responsibility.

If SCC considers the site to be unsafe, we may make safe and repair any damage. Costs of the repairs will be recovered from yourself, and if applicable you will need to make your own arrangements for recovering those costs from your contractor.

V. Phasing of the Work

It is an offence to carry out works within the public highway, which includes a Public Right of Way, without the permission of SCC.

You are responsible for ensuring that your contractor is accredited in accordance with the requirements of the New Roads and Street Works Act 1991 to undertake work within a public highway, and holds at least £5 million public liability insurance.

You will also need to ensure they apply to the Developer Noticing team at developernoticing@suffolk.gov.uk prior to commencing any work, to arrange the booking of road space. Through this road space booking, the date/s when works are planned will be recorded. The area must be made available during these dates for possible inspection to ensure the crossing is constructed in accordance with our specification and is in the approved location.

Your contractor should advise you of the traffic management necessary to do the works safely and the time needed to get the appropriate approval for this. If road closures or other legal orders are required, this can take a minimum of 3 months to arrange.

If the dropped kerb has been constructed differently to that approved, you will be required to correct this. The alternative will be that SCC will undertake the necessary work and reclaim all reasonable costs from you. **This includes the works within your property boundary which should be completed at the same time as the dropped kerb – or before it is first used.**

If your proposal requires the stopping up of an existing access (either full or partial) – these works should be completed at the same time.


W. Responsibility for the Completed Dropped Kerb

The part of the dropped kerb constructed within the public highway will be maintained in accordance with standards set out in our Highways Maintenance Operational Plan (HMOP) which can be found on the SCC website at the link <https://www.suffolk.gov.uk/roads-and-transport/highway-maintenance/highway-asset-management/highway-maintenance-operational-plan/>

Further Information

If you have any queries relating to your application, please contact Customer Services either by phoning 0345 6066171, emailing customer.services@suffolk.gov.uk or using the web chat facility online at <https://www.suffolk.gov.uk>

APPROVAL

Role	Name	Signed	Date
Interim Executive Director Growth, Highways and Infrastructure	Andrew Cook		7 April 2022