



# Headroom, clearances, structures and obstacles on, in, and over the highway Part 3.8

## **Vertical clearance**

3.8.1 Where it is proposed to construct a bridge, building or gantry over the carriageway a minimum vertical clearance of 5.3m or 5.7m should be maintained over the full width of the street including footways, verges and any central reserves in accordance with Department for Transport Standard CD127.

3.8.2 The normal minimum vertical clearance of a projection over a footway or footpath should not be less than 2.6m increasing to 2.7m over a cycleway but not within 0.5m of a carriageway. When any projection over the highway is proposed in a pedestrianised street with service vehicle access or an emergency link, the vertical clearance should be increased to 5.3m above the walkway.

## **Horizontal clearance**

3.8.3 Buildings should generally be set back a minimum of 0.5m from the edge of highway boundary to allow private soil pipes, guttering, eaves, and opening windows etc. to project from the building but not encroach into the street.

3.8.4 Street furniture, signs, bollards, guardrail, above ground utility apparatus etc. should be a minimum distance of 450mm from the edge of carriageway.

## **Licence**

3.8.5 Section 177 of the Highways Act 1980 says it is an offence to construct a building, or alter a building such that it projects over an existing public highway without a licence being granted under that section by the County Council. Developers should be aware that it is also an offence under Section 153 of the Act for doors, windows and gates etc. to open into the public highway without prior consent from the County Council.

3.8.6 The County Council is unlikely to permit projections over the highway. Development that includes simple projections such as oriel windows, outward opening fire exits, externally mounted air con units, projecting signs, balconies, and canopies etc. should be suitably set back unless there are exceptional circumstances.

3.8.7 Should the County Council consider a proposed private structure appropriate to be covered by a licence whether in, over, or under a street, the terms of the licence will require the design of the structure to be approved, a structural inspection every two years, and public liability insurance.

## **Ramps**

3.8.8 A disabled ramp intended to access a building should be located inside if it cannot be fully accommodated beyond the limits of the street. Only in exceptional circumstances would the County Council consider a private ramp in the highway. The need for the ramp must be greater than the need for the walkway it was to occupy, sufficient walkway must remain such that the ramp would not create an obstruction or cause a bottleneck, and it must be demonstrated that no other solution is feasible. The cost of making alterations to a building is not a material consideration in this respect.

## **Pavement Cafés**

3.8.9 The Levelling Up and Regeneration Act 2023 has made permanent the pavement licensing regime set out in the Business and Planning Act 2020, with several changes. The County Council as the highway authority must be consulted on as part of the application process.

## **Bin Storage**

3.8.10 Where a single dwelling has the benefit of a driveway, it will not normally be necessary to provide a bin storage area.

3.8.11 Where a driveway or entrance is intended to provide access to multiple dwellings, a bin storage area will be required typically L75cm x D100cm per bin. This should take into account whether the bin store is a temporary location for collection days only or whether the bin store is intended to permanently house both general waste and recycling bins.

3.8.12 Purpose-built multiple-occupancy dwellings such as flats and student halls of residence should be provided with a communal waste storage and collection system using large containers housed in one or more enclosed bin storage area.

3.8.13 It will not normally be appropriate for developments to be reliant on bins being left on footways or within areas that would likely obstruct the visibility splays from adjacent accesses or junctions.

3.8.14 The collection point will nearly always be at the edge of the property where it meets the highway/footway.

[End]