

Highways Registry 6th October 2023

No. 106 Lamb Hall Road, together with its neighbours, has the benefit of a private forecourt which lies between the building frontage and the highway boundary. I note that the agent says this area of forecourt was "*previously built over by coal sheds*" and this is consistent with what is shown on older editions of the Ordnance Survey.

In actual fact, the boundary between the highway and the properties (including their forecourts) has been clearly marked out on various Ordnance Survey maps over the years and is consistent with both the historic title plan submitted by the agent and with current HM Land Registry boundaries. I've marked the highway boundary with a GREEN line on the plan extract below. The property is outlined in RED for identification purposes only.

Of course, this leaves the question of where this boundary is on the ground, particularly in relation to the flagged area fronting No. 106. The end property in this terrace, No. 118, still retains its historic boundary wall between the forecourt and the highway, so the most practical way to determine the highway boundary line fronting No. 106 is to continue this wall line along the front of the other properties in the terrace.

A highway surveyor could mark this out to a high degree of accuracy, but in the absence of such detailed measurements, a cursory examination would suggest that most of the flagged area fronting 106 is within its historic forecourt. However, the flagged area does appear to extend further into the road than any of the other forecourts on the terrace, so I suspect that a minor encroachment into the highway may well have occurred – most likely the person who laid the flags wasn't minded to go to the trouble of cutting them to fit the highway boundary, so laid them marginally into the road.

The highway boundary is one issue, but there is another matter to consider here – namely, whether highway rights have been acquired over the forecourt due to the passage of time. If the flagged forecourt has been open to public use for 20 years or more, then it is certainly possible that passing highway users will have established rights over it. It seems likely, for example, that anyone meeting a van or SUV coming in the opposite direction will pull over at least some way onto this flagged forecourt to pass.

Over and beyond this is the risk posed to highway users if steps and a planter are constructed in what has become a stretch of open forecourt fronting No. 106 and its neighbours. Colleagues in HDM are best placed to advise on the suitability and/or risk that this poses (taking advice from Highways Safety as required) and whether there are measures that might mitigate against the risk (eg. reflective markings on the steps/planter).

But it is worth noting that the drafters of the Highways Act foresaw such a danger and addressed it in Sec 166 of the Act. This Section states that if any steps or projection placed on a forecourt of premises abutting a street are a source of danger, inconvenience or obstruction to the public, a competent authority may serve Notice on the owners or occupiers requiring them to take the required measures to obviate the danger, inconvenience or obstruction.

I hope my comments offer some guidance but, if not, please feel free to discuss.

Best wishes.

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