

Vaults, Basements & Cellars - Local Highway Authority Advice.

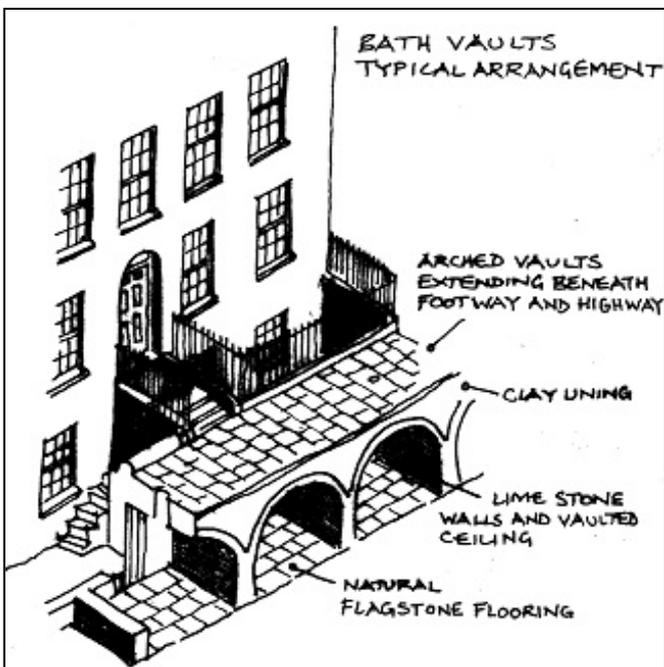
Introduction

Many buildings in Bath have been constructed with below ground levels including:

Cellars - below ground structure normally within the footprint of the building traditionally used for storage and servicing the household.

Basements - similar to cellars but generally finished to a better standard to provide living quarters for household staff.

Vaults - constructed outside of the building footprint typically supporting a raised highway and providing storage and service areas for the household.



This leaflet contains information on a number of issues relating to below ground structures and highways, damp ingress and flooding.

The Highways Act 1980

The Highways Act 1980 sets out duties and powers of local authorities to manage and maintain the highway. Essentially the highway authority must maintain, so far as is reasonably practicable, a safe environment for passage along a highway, for normal users.

Under the provisions of the Highways Act 1980, Maintaining Authorities are responsible for preserving the road and footpath and also controlling surface water run-off from the road.

The owner or occupier of structures below the highway (such as vaults) has a duty to keep in good repair:

- every vault, arch and cellar under a street
- every opening in the surface of any street into any such vault, arch or cellar
- every door or covering to any such opening
- every cellar-head, grating, light and coal hole in the surface of a street, and
- all landings, flags or stones of the street by which any of the above are supported

The owner of land adjoining the highway is under a duty not to withdraw support from the highway which may cause the highway to subside or in any other respect to suffer damage.

A vault roof is private property similar to a wall, or gate, or any other structure associated directly with the property. However, when it is located within the area of public highway it has to be regulated by the local highway authority. In accordance with statutory duty for safety, the Council will only permit approved contractors to undertake any work on the highway.

Waterproofing

Below ground structures invariably suffer from a degree of damp which generally precludes their use as habitable space. Where water ingress is excessive it is advised that advice is sought from a specialist such as an accredited conservation surveyor in order to gain a thorough understanding of the causes and to implement solutions ideally involving minimal intervention and the use of appropriate permeable, traditional materials. As many properties with below ground structures are listed professional advice should be sought with respect to the requirement for listed building or other permissions ahead of any works.

The highway surface should be assumed to be a porous structure which does not prevent water penetrating into the ground below.

The Council, as the Local Highway Authority, is not responsible for ensuring the highway acts as an impermeable layer, or for ground water beneath the road surface.

Nor does the Council have any responsibility for the waterproofing integrity of a below ground structure including ingress of water through any openings through the footpath or road.

Works to Structures below the Highway

If a property owner wishes to undertake internal works to a below ground structure then there is no need to consult the Local Highway Authority, provided that the structure is sound and able to support the necessary loads. However, if external works are to be undertaken requiring work to be carried out in the public highway then this needs to be regulated by the Local Highway Authority.

It is the responsibility of the owner to ensure that all consents / permissions are in place including Highway Licences, planning permissions, listed building consents etc.

Closing Coal Holes and Openings

If required openings to the highway can be permanently closed at the expense of the owner. Technical approval from the Highways Authority will be required. On completion of the works the Local Highway Authority would be responsible for the maintenance of the surface while the responsibility for the structure to support the Highway would remain with the owner.

Other consents / permissions may be required for example listed building consent.



Highway Drainage

The council maintains a highway drainage system for the purpose of draining water from the highway surface.

The highway drainage system is maintained to ensure it is free flowing; some water may escape to the ground especially where historical drains are present.

Sewer Flooding

Public sewers (generally sewers serving more than one property or those located outside of the property boundary) are maintained by Wessex Water. Maintenance responsibility for drains (pipes serving just one property within the property boundary) lies with the property owner/occupier.

For issues regarding flooding from public sewers please contact Wessex Water:

Tel: 0345 600 4 600

Email: operational.enquiries@wessexwater.co.uk

Web: www.wessexwater.co.uk/Contact-us/

Ownership of Land Beneath the Highway

Generally the Council does not own the land beneath the highway; this will often belong to the fronting properties up to the centre line of the road.

The Council, as the local highway authority, has a vested interest in the surface of the land as it has been dedicated a public highway. This means the land ownership has not been transferred to the authority, but the surface of the road, as well as the material below and air above as required for its control, protection and maintenance, is part of the 'highway' under the control of the Council.

As the Council does not generally own the land under the highway any pipes and culverts present beneath the highway will not be the responsibility of the Council unless they have been adopted.

Contact Us

For more information on any of the above issues please contact us using our Council Connect Service:

Tel: 01225 394041

Email: councilconnect@bathnes.gov.uk

Alternatively please email:

Planning Permission:

conservation_andplanning@bathnes.gov.uk

Local Highway Authority:

highways@Bathnes.gov.uk

To report flooding:

drainage&flooding@bathnes.gov.uk