

Waterproofing Basements



Many residents have chosen to convert their old coal cellars and basements into a more functional space. We occasionally receive complaints about leaks into these structures. This leaflet describes responsibilities relating to this issue.

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 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.

Duty of the Owner - Highways Act 1980

With relation to cellars, the land owner or occupier 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

A cellar 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.

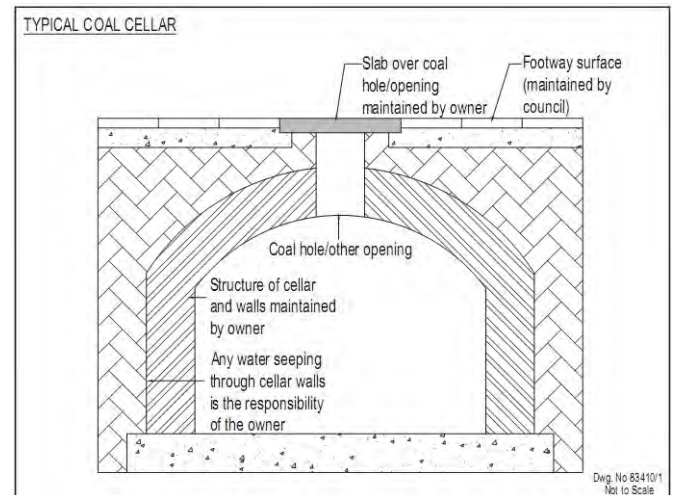


Diagram of a typical coal cellar

Waterproofing

The highway surface is a porous structure. There are many ways that water may enter ground, and it is usually difficult to determine the exact point of ingress.

Waterproofing of cellars should be undertaken by specialist contractors. Cellars were not constructed to be watertight and any measures to make them so must be undertaken at the owners' expense. If a property owner wishes to undertake waterproofing from the inside of a cellar or basement using a tanking procedure, then there is no need to consult the highway authority, provided that the structure is sound and able to support the necessary loads. However, if the owner/occupier wishes to apply external waterproofing which requires any work to be carried out in the public highway then this needs to be regulated by the Council.

Responsibility for waterproof integrity

The Council has no responsibility for the waterproofing integrity of a cellar. All costs associated with any works of this nature must be paid for by the property owner/occupier.



Ownership to centre line of road regardless of registered title

Generally the Council does not own the highway land; 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 required for its control, protection and maintenance, is part of the 'highway' under the control of the Council.

Duty to support the highway - structural loading requirements

Under the Highways Act 1980 and the Greater London Council (General Powers) Act 1986 it is the property owner's responsibility to keep the structure e.g. retaining wall or vault, in good condition at all times.

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.

If a structure below or supporting the highway is reconstructed or repaired the Council, as highway authority, requires the new design to comply with the necessary British standards. Requirements are based on BS.5400, Part 2: 1978, Steel, concrete and composite bridges. For more information contact The Royal Borough of Kensington and Chelsea, Transportation and Traffic Policy Services for a copy of the General Requirements for Design and Approval of Structures Supporting the Public Highway.

Contact us

To request one of these services please contact The Royal Borough of Kensington and Chelsea, Council Offices, 37 Pembroke Road, London, W8 6PW

Tel: 020 7341 5236

Email: Highways@rbkc.gov.uk

Closing coal holes

If required the coal hole can be permanently closed. The surrounding stone and metal cover can be removed, the top courses of brick broken out and a steel plate put over the opening. The pavement is then reinstated in keeping with the surround. Maintenance of the surface would then be adopted by the council and maintained at no additional expense to the owner/occupier.

Responsibilities for the structure to support the highway will still remain with the owner.

What to do about sewer surcharging

The public sewers are maintained by Thames Water. Maintenance responsibility for drains within the private property boundary lies with the land owner/occupier, unless the drain is serving more than one property in which case Thames Water will be responsible for any repairs as they are for all drains beyond a private property boundary.

For any issues surrounding surcharging or drain repairs please contact Thames Water 0845 9200800 or www.thames-water.com

Insurance

As cellars and vaults and associated structures are part of the adjoining property, they need to be included in your building insurance whether or not they form part of your registered title. We suggest that you check what cover is required with your insurer.