

Statutory requirements

This bulletin considers the planning and building control requirements of Local Authorities applicable to timber deck structures.

The information contained in this document is intended for general guidance and relates specifically to residential decks for private use.

For all commercial and public access deck structures, the Local Authority should always be consulted at an early stage of the project.

This bulletin is part of a series of publications produced by the TDA aimed at promoting the general good practices necessary for the construction of quality timber decks.

INTRODUCTION

Although timber decks have been popular in other countries for decades, they were relatively rare in the UK until the late 1990's. As a result, decking has not been referred to specifically in existing statutory control documentation until 2008.

Traditionally, the construction of timber decks is usually considered under the planning and building control procedures that apply to the construction of private patios, terraces, and pool surrounds.

As such, deck structures are often considered to be exempt from planning regulations. This is not always the case. There are a number of specific instances where consent is required prior to building a patio, terrace or deck and these are set out in Table 1.

Serious consequences can result if these requirements are not observed. For example, the Local Authority can insist that structures be dismantled and removed where consent should have been obtained, but was not.

Whilst it is possible to make a retrospective planning application, they are rarely successful unless special circumstances apply.

The guidance in this document relates to the planning regime for England. Policy in Wales, Scotland and Northern Ireland may differ. If in doubt consult your local authority.

PLANNING PERMISSION

Timber decks differ from conventional patios and terraces most significantly in their elevation and general height of construction.

For all but the simplest, low-level garden deck, (under 300mm in height) property owners should satisfy themselves that planning regulations do not apply to their proposed structure.

In addition to contacting the Local Authority, neighbours who may be affected by the structure should also be informed. Neighbour objections are the most usual reason for planning refusal or restriction.

The instances where it is known that planning consent will apply are set out in Table 1.

TABLE 1

When planning consent is required

Where the deck is situated within 20 metres line of sight of a highway.

Where the deck is more than 300mm (1ft) from the ground.

If the structure or its use would affect the amenity value or privacy of neighbouring properties.

If the deck is attached to a listed building or situated in a conservation area or National Park.

In addition to the situations set out in Table 1, other restrictions are known to apply, including limitations to the overall deck area in relation to the existing property or garden area and the constraints of established building lines. For example, in England, decking or decks shall not cover more than 50% of the property's garden.

It is the legal responsibility of the property owner to ensure that Local Authority requirements are considered and fulfilled. The property owner can assign this responsibility and may appoint an 'agent' to deal with the Local Authority on their behalf. A deck installation company is under no obligation to assume this responsibility unless it chooses to do so as a separate part of the service it is providing.

Where a design and installation company choose to offer to undertake Local Authority consultation on behalf of the customer, an appropriate fee should be incorporated into the contract. Provision should also be made for the additional costs associated with a formal planning application and any consequential work should this be necessary set out in Table 2 below.

Whenever the property owner assigns responsibility for Local Authority consultation to an agent it should be formally communicated and recorded. This can be done by a letter from the property owner or as part of the sale/contract agreement produced by the deck design and installation company. The TDA can provide standard documents to members for this purpose. Verbal agreements or understandings are considered bad practice and to be avoided.

As 'competent specialists', TDA registered companies have a responsibility to explain the situations where planning is known to be required and to advise the property owner to contact the Local Authority to seek clarification.

For simple, low-level garden decks, a brief telephone call to the local Planning Office should be sufficient to provide confirmation and re-assurance that the work can proceed without formal consent.

For more complex or large structures, a written approach is recommended. It may be necessary to include a drawing/sketch of the deck showing the relationship to the property and boundaries.

TABLE 2

Additional requirements when planning consent is necessary

Planning application fees become payable to the Local Authority.

Detailed proposals and site plans may be required.

Building Regulations may be deemed to apply, potentially requiring the justification of all structural aspects of the deck.

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BUILDING REGULATIONS

Building Regulations should be assumed to apply to every deck structure requiring planning permission.

Most Local Authorities will instigate the involvement of the Building Control Departments on receipt of a formal planning application, but this may vary regionally.

Building Control Officers are likely to be less concerned where the deck is to be constructed by an experienced contractor using industry standard materials and techniques. The standards, codes of practice and DeckMark quality scheme of the TDA can be used by TDA registered installers to establish their credentials as a competent specialist.

Where Building Control Departments do become involved, they are principally concerned with factors affecting safety and particularly edge rails and parapets. TDA Technical Bulletin No 04 'Deck Parapet Design & Construction' provides specific advice about meeting this requirement.

NB. On new properties, the NHBC requires all deck structures to comply with TDA good practice design and build standards and provide a service life of 60 years. Details of this specification are available on request.


Tell me more

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