The Planning Inspectorate

# Appeal Decision

Site visit made on 15 March 2017

**by Julie Dale Clark BA (Hons) MCD DMS MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 30th March 2017**

**Appeal Ref: APP/R1038/D/17/3167277**
**26 Standall Close, Dronfield, Derbyshire S18 8AB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Jamie Turner against the decision of North East Derbyshire District Council.
- The application Ref 16/00955/FLH, dated 2 September 2016, was refused by notice dated 22 November 2016.
- The development proposed is garden decking.

## Procedural Matter

1. The decision notice describes the development as retention of raised rear decking. This more accurately describes the proposal than that on the application form. I shall therefore refer to the proposal as described on the decision notice.

## Decision

2. The appeal is allowed and planning permission is granted for the retention of raised rear decking at 26 Standall Close, Dronfield, Derbyshire S18 8AB in accordance with the terms of the application, Ref 16/00955/FLH, dated 2 September 2016, and the plans submitted with it.

## Main Issues

3. I consider that the main issues are:-

    - whether the raised decking constitutes inappropriate development in the Green Belt and its effect on openness; and

    - whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify the development.

## Reasons

4. The site is within the Green Belt and the National Planning Policy Framework[1] explains that inappropriate development is, by definition, harmful to the Green Belt. The extension or alteration of a building is not considered inappropriate

[1] Department for Communities and Local Government National Planning Policy Framework, March 2012 (the Framework).

provided that it does not result in disproportionate additions over and above the size of the original building. This is generally reflected in Local Plan Policy GS2[2] but it predates the Framework and refers to dwellings rather than buildings. Nevertheless the issue to consider in determining whether the decking is inappropriate development is whether or not it is disproportionate.

5. The house is a substantial one set amongst a housing development of similar dwellings but its rear garden would have dropped steeply down to the field below. The decking is raised some way from the level of the field so that it is level with the rest of the rear garden. It runs the full width of the garden and provides a generous decked area to the garden.

6. I acknowledge that the decking is raised some way above the original land levels but given the size of the house and garden, I do not consider that the decked area is disproportionate. Also as the decking relates to the existing house and its setting amongst this housing development I do not consider that the openness of the Green Belt is harmed.

7. Given that I do not consider that the raised decking constitutes inappropriate development and no harm to the openness of the Green Belt would arise, there is no need to consider whether there are very special circumstances. I have also considered whether there is there is any other harm as a result of this development. The neighbouring house, No 24, also has a raised decked area but the neighbouring house at No 23 has not. No 24's decking is subject to a separate appeal decision. Given that the decking is at the end of the garden and screening has been erected to the boundaries with the neighbours, I do not consider that the privacy of the occupiers of the neighbouring dwellings is harmed.

8. I have considered the conditions suggested in the light of the Planning Practice Guidance[3]. However, as the decking is retrospective, conditions relating to the standard time limit and the development being in accordance with the approved plans are not relevant. I also consider that conditions relating to hedging, saplings, new planting and screen fencing are not necessary to make this development acceptable.

9. I have considered all other matters raised but none alter my conclusion. I conclude that the raised decking does not constitutes inappropriate development in the Green Belt and it does not have a harmful effect on openness. It does not conflict with the Framework or Policy GS2 and therefore the appeal succeeds.

*J D Clark*

INSPECTOR

[2] North East Derbyshire Local Plan, Adopted 28 November 2005.
[3] Planning Practice Guidance, 6 March 2014.