



Appeal Decision

Site visit made on 17 January 2023

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2023

Appeal Ref: APP/R3650/W/22/3299107

South Fork, Wrotham Hill, Dunsfold, Godalming GU8 4PA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by David Stedman against Waverley Borough Council.
 - The application Ref WA/2021/02905, is dated 13 October 2021.
 - The development proposed is to create one window to the rear of the building.
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Decision

1. The appeal is allowed and planning permission is granted for the creation of one window to the rear of the building at South Fork, Wrotham Hill, Godalming, GU8 4PA in accordance with the terms of the application, Ref WA/2021/02905, dated 13 October 2021, subject to the following conditions:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan Untitled - *produced on 25 March 2022 from the Ordnance Survey National Geographic Database*

NA/20/01 Existing Ground Floor Plan

NA/20/02 Existing Elevations

NA/20/03 Roof Plan

NA/20/04 Block Plan

NA/20/05 Proposed Ground Floor Plan

NA/20/06 Proposed Elevations

Application for costs

2. An application for costs was made by David Stedman against Waverley Borough Council. This application is the subject of a separate decision.

Background and main issue

3. I have been made aware of two Lawful Development Certificates in respect of the appeal site, concerning its lawful residential use¹ and the alteration of a building to provide a new window². My attention has also been drawn to a

¹ Certificate of Lawful Use or Development ref: WA/2022/00447 dated 11 April 2021

² Certificate of Lawful Use or Development ref: WA/2021/01270 dated 4 August 2021

previous planning application³ for the provision of a window in a building on the appeal site which was allowed at appeal⁴ (the May 2022 appeal).

4. Given the scale of the proposed scheme, the **main issue** of this appeal is the effect of the proposed window on the character and appearance of the building.

Reasons

5. The proposed scheme comprises the addition of a single window in the rear elevation of the residential building on the appeal site. Whilst the proposed scheme does not constitute development, as defined by the Town and Country Planning Act 1990 Act (the Act), there is nothing in the Act that precludes a planning application being made for such works. Similarly, the Act does not restrict local planning authorities from granting planning permission for proposals which do not constitute development.
6. Although the Council did not issue a decision notice, within its statement of case it confirms that, following the May 2022 appeal decision, the planning permission would have been granted. No concerns were raised regarding the effect of the additional window on the character and appearance of the building. Given the residential use of the building and the presence of windows being a characteristic of such a use, the addition of a single window in the rear elevation would not materially alter the appearance of the building. Therefore, the proposed window would cause no demonstrable harm to the character and appearance of the building.
7. I acknowledge the third party representations in respect of the condition and residential use of the building, and concerns relating to foul drainage and flooding. However, these are not matters for me to consider as part of this appeal.
8. To provide certainty, I have imposed conditions setting out the time limit for the commencement of the proposed scheme and listing the approved plans.

Conclusion

9. For the reasons given above, the appeal is allowed.

Juliet Rogers

INSPECTOR

³ Council planning application ref: WA/2021/02582 submitted 12 August 2021

⁴ Ref: APP/R3650/W/21/3286817 dated 17 May 2022