

APPLICATION FOR VARIATION/REMOVAL OF CONDITION CASE OFFICER REPORT

APPLICATION REFERENCE:	PL/2025/08814
APPLICATION TYPE:	Removal/variation of conditions
SITE ADDRESS:	20 Ridgmount, Durrington, Salisbury, SP4 8AH
DEVELOPMENT DESCRIPTION:	Variation of condition 2 (approved plans) on PL/2022/02831 to allow for design changes
RECOMMENDATION:	PLANNING PERMISSION GRANTED SUBJECT TO CONDITIONS

SITE DESCRIPTION/CONTEXT

The application site is a detached residential bungalow located within an established residential area within the settlement boundary of Durrington, defined as a Market Town by Wiltshire Core Strategy (WCS) core policies 1 (Settlement Strategy), 2 (Delivery Strategy) and 4 (Spatial Strategy for the Amesbury Community Area). The application site is surrounded by other residential properties and their amenity/parking provision, several of which have been subject to alterations and extensions over time.

PROPOSAL

This report considers a Section 73 application for the variation of condition imposed on planning permission PL/2022/02831. The application relates to the site at 20 RIDGMOUNT, DURRINGTON, SALISBURY, SP4 8AH, and seeks to vary condition 2 in relation to minor alterations to the approved design, including the reducing in works to the first floor, new roof windows in rear roof slope and lantern windows to flat roof extension.

Condition 2:

The development hereby permitted shall be carried out in accordance with the following approved plans:

Application Form & Certificate Received 6th April 2022

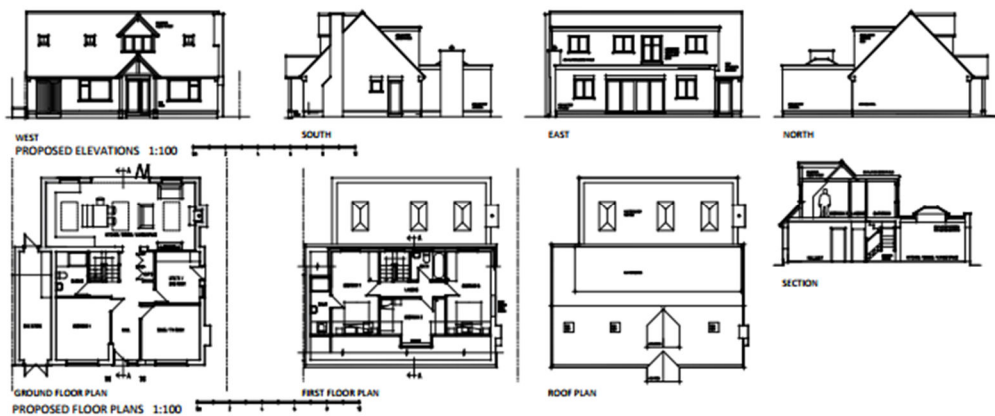
Plans Ref:

Location Plan DWG: 500-07 Received 6th April 2022

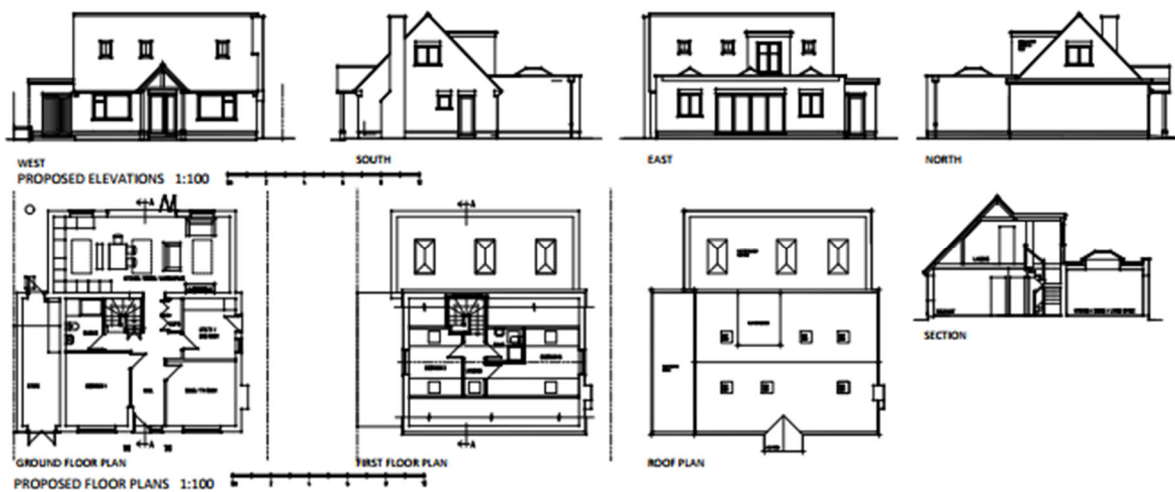
Existing & Proposed Plans DWG: 500-01 Received 6th April 2022

REASON: For the avoidance of doubt and in the interests of proper planning.

Approved plans PL/2022/02831



Proposed plans PL/2025/08814



RELEVANT PLANNING HISTORY

Proposal / Summary

PL/2022/02831 - Householder planning permission Decision - Approve with Conditions
Date: 31/5/2022 – Proposed alterations to the existing house to include a single-storey rear extension, a first-floor side extension over the garage (extending the main roof) and a flat roof dormer to rear roof slope plus associated works.

It is noted in the application form and from photos of the site that works commenced 01/01/2023, implementing the 2022 planning permission. A photo confirming this was received 16/12/2025:



RELEVANT LEGISLATION, POLICIES AND GUIDANCE

Town and Country Planning Act. 1990 (as amended)

Section 73 of the Town and Country Planning Act. 1990 (as amended) relates to the determination of applications to develop land without compliance with conditions previously attached. It states that:

(2) On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

- a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
- b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

The National Planning Practice Guidance (PPG) states the following:

- *Nature of the Application:* A Section 73 application is treated as a new planning permission, although it does not alter the original permission itself. The original permission remains intact and can still be implemented unless it has expired or been superseded.
- *Limitations:*
 - Section 73 cannot be used to change the description of development or the operative part of the permission (e.g. the nature or extent of the approved use).
 - It cannot be used to extend the time limit for implementing the original permission.
 - If the proposed changes go beyond what can reasonably be considered under Section 73, a new planning application under Section 70 would be required.
- *Decision-making:* The local planning authority must consider the application only in relation to the conditions subject to which the original permission was granted. However, it may impose new or revised conditions if granting a new permission.

- *Legal Agreements:* Because a Section 73 application results in a new permission, any existing Section 106 agreement may need to be varied or replaced via a deed of variation to ensure obligations continue to apply to the new permission.

National Planning Policy:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- National Design Guide

Development Plan:

The development plan for Wiltshire comprises the Wiltshire Core Strategy (WCS) (adopted January 2015) and any made neighbourhood plans, which remains the principal statutory planning document guiding development across the county. In line with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.

Though the development plan is considered as a whole, those parts deemed to be particularly relevant to this application are listed below:

The adopted Wiltshire Core Strategy (WCS), with particular regard to:

- Core Policy 1 Settlement Strategy;
- Core Policy 2 Delivery Strategy;
- Core Policy 3 Infrastructure Requirements;
- Core Policy 4 Spatial Strategy for the Amesbury Community Area
- Core Policy 57 Ensuring High Quality Design and Place Shaping;

Supplementary Planning Documents:

Creating Places Design Guide SPG (April 2006)

Wiltshire Design Guide

ISSUES

The key considerations in the assessment of this application are as follows:

- Determining whether the proposed amendments fall within the scope of Section 73 of the Town and Country Planning Act 1990 which allows for the variation or removal of conditions attached to an existing planning permission.
- Assessing whether the development, as amended, remains in accordance with the relevant policies and provisions of the development plan, and whether the changes materially alter the nature or impacts of the approved scheme.

CONSULTATION RESPONSES

Durrington Parish Council: No comments received

REPRESENTATIONS

None received

ASSESSMENT

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:

"If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise."

In accordance with this statutory requirement, this application has been assessed against the relevant policies of the Development Plan, including the Wiltshire Core Strategy (2015) and, where applicable, any made Neighbourhood Plans. Consideration has also been given to the policies of the National Planning Policy Framework (NPPF) as a material consideration in the assessment.

Principle of the Development – Do the proposed amendments fall within the scope of s73?

The proposed amendments have been reviewed and are considered to fall within the scope of Section 73 of the Town and Country Planning Act 1990. The changes do not result in a fundamentally different development from that originally approved, nor do they seek to alter the description of development or extend the time limit for implementation. As such, the application is valid under Section 73 and can be determined as a variation of condition(s) attached to the original planning permission.

Compliance with the Development Plan

The proposed variation is valid under Section 73 and the amended scheme remains in accordance with the adopted development plan, including:

- Wiltshire Core Strategy (WCS) policies;
- Neighbourhood Plans (where applicable);
- The National Planning Policy Framework (NPPF).

The variation is for Condition 2 minor alterations to the approved design. The variations are as follows:

1. Amended layout of proposed first floor to omit extension over existing garage, reduce size of rear box dormer, omit dormer to front elevation.
2. 3 no. lantern roof windows in flat roof extension
3. 3 no. velux roof windows in existing rear (east) roof slope.

Scale and design

Core Policy 57 aims to achieve a high standard of design in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality.

The proposed reduction in the approved extension to the first floor would result in a smaller rear dormer and is therefore considered acceptable in terms of scale and design. It would be of less visual impact than the previously approved, and is considered acceptable within a residential setting. Roof lights and dormer windows are seen within the streetscape, and the proposed alterations to the approved plans related to the front and rear roofslope are therefore considered acceptable.

Internal alterations and three lantern roof windows are proposed within the flat roof. These are considered acceptable.

Impact to residential amenity

The adopted Wiltshire Core Strategy CP 57 requires development proposals to have 'regard to the compatibility of adjoining buildings and uses, the impact on the amenities of the existing occupants, and ensuring that appropriate levels of amenity area achievable within the development itself, including the consideration of privacy, overshadowing; vibration, and pollution (such as light intrusion, noise, smoke, fumes, effluent, waste or litter)'.

The application site is surrounded by other residential properties; Officers note that no letters of representation have been received in relation to this current application.

The window proposed to the rear dormer is sited in the same position as the windows previously approved, therefore there is no change to the impact on the amenity of neighbouring properties, and these windows are therefore considered acceptable.

The application proposes three additional roof lights? within the east roof slope. These would serve the bedrooms and an ensuite and are in a similar position as the previously approved larger dormer window, it is therefore not considered that these windows would significantly increase the levels of overlooking compared to the windows already approved.

The lantern roof windows proposed in the flat roof rear extension will not cause any overlooking or harm to privacy for neighbouring dwellings as they do not provide additional opportunities for views to the north, east, or south

Overall, the proposed changes are considered acceptable variations to the approved proposals, that would not be to the detriment of neighbour amenity, or further overlooking or loss of privacy than the previously approved development.

Assessment of Conditions

Condition 1: not required as ground floor extension has been built so planning permission implemented.

Condition 2: changed to reflected updated plans

Condition 3: still relevant and will remain as per the original consent.

PLANNING BALANCE AND CONCLUSION

In determining this application under Section 73 of the Town and Country Planning Act 1990, the Local Planning Authority has considered whether the proposed amendments fall within the

scope of Section 73. The proposed amendments have been assessed against the relevant policies of the Wiltshire Core Strategy, any applicable Neighbourhood Plan, and the National Planning Policy Framework. The assessment has also considered whether the development, as amended, materially alters the nature or impacts of the approved scheme.

The proposed variation of condition is considered acceptable in terms of scale, design and impact to residential amenity. The proposal remains in accordance with the development plan and relevant national guidance, and there are no material considerations that indicate otherwise.

RECOMMENDATION:

That Planning Permission be GRANTED subject to the following conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

Existing & Proposed Plans DWG: 500-15 Received 12th November 2025

REASON: For the avoidance of doubt and in the interests of proper planning.

2. The roof area of the development hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

REASON: In the interests of residential amenity and privacy.