

APPLICATION FOR VARIATION/REMOVAL OF CONDITION CASE OFFICER REPORT

APPLICATION REFERENCE:	PL/2025/09038
APPLICATION TYPE:	Removal/variation of conditions
SITE ADDRESS:	Sunnydale, 7a Masons Lane, Bradford on Avon, BA15 1QN
DEVELOPMENT DESCRIPTION:	Variation of condition 2 of PL/2024/08138 (approved plans) to change the colour of windows from white aluminium to black
RECOMMENDATION:	Approve with Conditions

SITE CONTEXT

No.7A Sunnydale was previously a detached bungalow of modern reconstituted stone and slate roof construction, set lower than the road level of Masons Lane, between 7b and 8 Masons Lane a grade II listed building. At present, an upward extension approved under application PL/2024/08138 is under construction with the timber frame complete and walling and roofing in the process of being installed as of December 2025. The property to the front is located behind a stone wall on Masons Lane, and to the rear the site slopes away with open southerly views across Bradford on Avon.

The application site is subject to the following planning policy designations/constraints:

- Within Bradford on Avon Conservation Area no.1.
- Within immediate/close proximity of the following grade II listed buildings:
 - 8 Masons Lane immediately adjoining the site to the west.
 - 9 Masons Lane, further along to the west.
 - Coppice Lodge immediately adjoining the site the south.
 - Many other buildings within the vicinity.
- Within close proximity of the grade II* listed former Wesleyan Methodist Church to the southwest.
- Within Bath & Bradford on Avon Bat Special Area of Conservation GHS 4km Core Roost Buffer: Combined Winsley Sites
- Within Bath & Bradford on Avon Bat Special Area of Conservation GHS 4km Core Roost Buffer: Winsley/Murhill Rift
- Within Bath & Bradford on Avon Bat Special Area of Conservation GHS 4km Core Roost Buffer: Combined Gripwood Sites
- Within Bath & Bradford on Avon Bat Special Area of Conservation GHS 4km Core Roost Buffer: Iford Manor
- Within LHS 2km Core Roost Buffer: Belcombe Court
- Within LHS 2km Core Roost Buffer: Carpenter's Shop, Kingston Mills, BoA
- Within Bath & Bradford on Avon Bat Special Area of Conservation GHS 4km Core Roost Buffer: Bath & Bradford on Avon Bats
- Within area at high risk of flooding from surface water sources.

PROPOSAL

The proposal seeks to vary condition 2 (approved plans) of planning permission PL/2024/08138 in order to change the colour of the approved window frames from white to black.

RELEVANT PLANNING HISTORY

Relevant Planning Records			
Reference	Description	Decision	Date
W/80/00255/FUL	Proposed garage and vehicular access	Approved	08/07/1980
W/80/00932/FUL	Garage with steel turntable and vehicular access	Approved	19/08/1980
PL/2022/09152	Demolish a 2.5m wide section of wall in front of part of the driveway	Approved	17/04/2023
PL/2024/08138	Single storey porch and lower lobby extension. raising of front elevation to two storey and new roof and rear dormer for loft conversion	Approved	09/01/2025

RELEVANT LEGISLATION, POLICIES AND GUIDANCE

Planning Legislation:

- Town and Country Planning Act 1990
- Planning and Compulsory Purchase Act 2004
- Planning (Listed Buildings and Conversation Areas) Act 1990

Development Plan:

- Wiltshire Core Strategy (Adopted January 2015):
 - Core Policy 57: Ensuring high quality design and place shaping
 - Core Policy 58: Ensuring the conservation of the historic environment
- The Bradford on Avon Neighbourhood Plan 2013-2026 (Made October 2017):
 - Policy BE1 (relates to local distinctiveness and sense of place)
 - Policy BE2 (relates to land use efficiency and character of the area)

Material Considerations (Policy):

- National Planning Policy Framework (NPPF) December 2024
 - Section 2. Achieving sustainable development
 - Section 12. Achieving well-designed places
 - Section 16. Conserving and enhancing the historic environment
- Wiltshire's Emerging Local Plan has reached Regulation 24 stage and is progressing through examination but the emerging plan carries limited weight at this stage with the

hearing sessions currently being paused. The following policies are however duly noted:

- Policy 98: Ensuring high quality design and place shaping
- Policy 99: Ensuring the conservation and enhancement of the historic environment

Material Considerations (Guidance):

- National Planning Practice Guidance
- National Design Guide (January 2021)
- Wiltshire Design Guide (March 2024)

CONSULTATION RESPONSES

Bradford on Avon Town Council: No objection

Wiltshire Council Conservation Officer: *"The bungalow occupies a roadside location behind a high stone wall which lines the south side of Masons Lane. The previous planning application granted permission for the raising and extension of the existing bungalow.*

This proposal seeks a minor amendment to the approved house and seeks to change the colour of the window frames from white to black. No changes are proposed to the overall design of the new property, and the alteration is purely aesthetic and intended to enhance the visual appearance of the property, in-line with the street scene on Masons Lane.

In conservation terms this is considered acceptable since this change will not materially alter the character or scale of the building...

The impact of the proposals on heritage assets will be neutral and the requirements of current conservation legislation, policy or guidance are considered to be met and there is therefore no objection to the approval of the application."

REPRESENTATIONS

Bradford on Avon Preservation Trust: Expressed support for the proposal.

No other third-party comments were received.

ASSESSMENT

Section 73 of the Town and Country Planning Act 1990 (as amended) 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:

- 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.

For clarification, it is considered the proposal does not diverge from the description or operative part of the original planning permission. Moreover, officers are satisfied the proposal falls within the reasonable scope of a Section 73 application.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with this requirement, this application has been assessed against the relevant policies of the development plan and the material considerations listed above.

Having regard to the planning context and modest nature of the proposal, it is considered that the key planning matter is the design and associated heritage impact of the proposal which is addressed below:

Design and Heritage

Section 66(1) of the Planning (Listed Buildings and Conversation Areas) Act 1990 requires that special regard be had to the desirability of preserving listed buildings, their settings or any features of special architectural or historic interest which they possess.

Section 72(1) of the Planning (Listed Buildings and Conversation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

Core Policy 57 of the Core Strategy requires that all development be of high design quality, create a strong sense of place and complement its context, including through enhancing local distinctiveness and responding positively to local characteristics. The policy also requires that proposals be sympathetic, respond positively to, conserve and, where possible, enhance the historic environment. This requirement is carried forward in draft Policy 98 of the emerging Wiltshire Local Plan.

Core Policy CP58 states that development should protect, conserve and, where possible, enhance the historic environment. The policy requires that heritage assets and their settings be conserved and/or enhanced in a manner appropriate to their significance. This requirement is carried forward in draft Policy 99.

Paragraph 207 of the NPPF states that local planning authorities should require applicants to describe the significance of any heritage asset affected by development, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on the asset's significance.

Paragraph 210 states that local planning authorities should take account of, in relation to this case, (a) the desirability of sustaining and enhancing the significance of heritage assets.

Paragraph 212 clarifies that great weight should be given to an asset's conservation, irrespective of the level of harm.

Policy BE1 of the Bradford on Avon Neighbourhood Plan states that development should reinforce local distinctiveness, help create a sense of place and respond positively to its immediate and wider context, including in respect of materials palette.

Policy BE2 states that development should make efficient use of land and respect the character of the area.

Further to the comments of the Conservation Officer and Bradford on Avon Preservation Trust, it is considered that the proposed change of window frame colour is acceptable and, as demonstrated in the applicant's supporting statement, is present on multiple historic buildings around the town where it reads as appropriate.

Consequently, it is considered that the proposal would maintain the high design quality and neutral heritage impact of planning permission PL/2024/08138. The proposal therefore complies with the design principles of and conserves the historic environment in accordance Core Policies 57 and 58 of the Core Strategy, draft Policies 98 and 99 of the emerging Local Plan, Neighbourhood Plan Policies BE1 and BE2, section 16 of the NPPF and the Design Guide.

CONCLUSION

Having regard to the above, the proposal complies with the aforementioned sections and policies of the Planning (Listed Buildings and Conservation Areas) Act 1990, Wiltshire Core Strategy, emerging Wiltshire Local Plan, Bradford on Avon Neighbourhood Development Plan, NPPF and the Wiltshire Design Guide. As such, the application is recommended for approval, subject to the conditions set out below.

RECOMMENDATION: That Planning Permission be GRANTED subject to the following conditions:

1. The development hereby permitted shall be begun before the 9th of January 2028.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

- 2024-Shellard-06 – Location and Block Plan
- 2024/Shellard/03A – Revised Proposed Plans
- 2024/Shellard/04A – Existing and Proposed Sections and Notes
- 2024/Shellard/05B – Proposed Elevations
- Justification/Design/Access statement. V2-Revised Design and Access Statement

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

3. Before the development hereby permitted is first occupied the window W7 in Revised Proposed Plans 2024/Shellard/03A shall be glazed with obscure glass only to an obscurity level of no less than level 4 and the windows shall be permanently maintained with obscure glazing in perpetuity.

REASON: In the interests of residential amenity and privacy.

4. Prior to the development hereby approved being first put into use, a bat box shall be erected on a suitable elevation in accordance with advice given by a professional ecologist and this part of the condition will be discharged when photographic evidence of installed features have been submitted to and approved in writing by the local planning authority. The bat roost will continue to be available for bats for the lifetime of the development.

REASON: To mitigate for impacts to bats arising from the development.