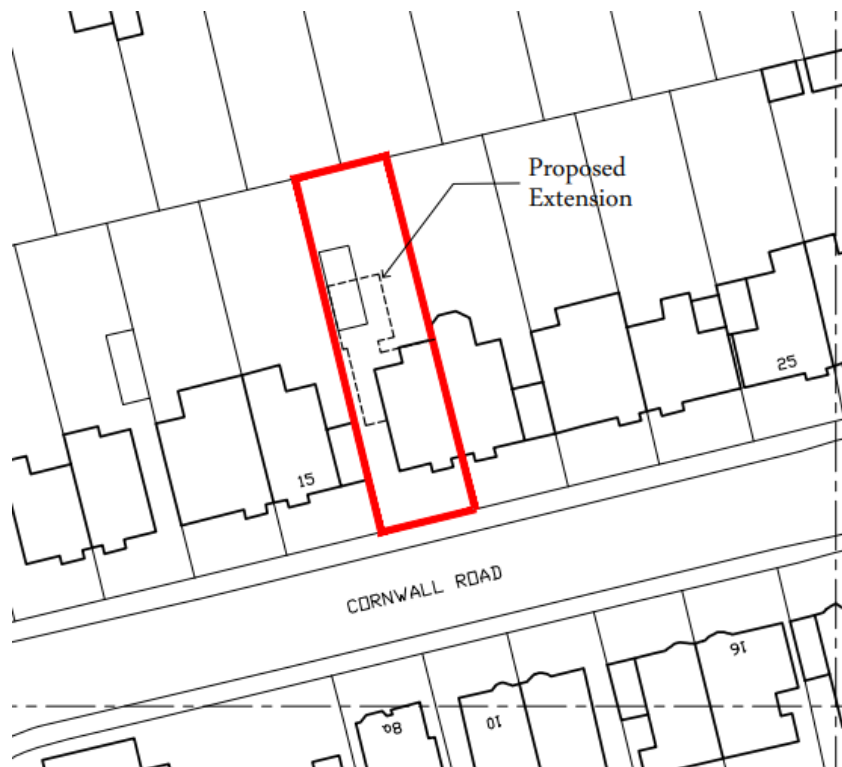


APPLICATION FOR VARIATION/REMOVAL OF CONDITION CASE OFFICER REPORT

APPLICATION REFERENCE:	PL/2025/09692
APPLICATION TYPE:	Removal/variation of conditions
SITE ADDRESS:	17 Cornwall Road, Salisbury, SP1 3NH
DEVELOPMENT DESCRIPTION:	Variation of condition 2 (approved plans) on PL/2025/01730 to allow for design changes
RECOMMENDATION:	Planning permission be GRANTED

SITE DESCRIPTION/CONTEXT

The application site is a semi-detached dwellinghouse located in a residential street in the built-up area of Salisbury. It is situated within the defined settlement boundary of the principal settlement of Salisbury, as defined by Wiltshire Core Strategy (WCS) policies CP1, CP2 and CP20. Whilst the site is in Flood Zone 1 and is not in the immediate vicinity of any rivers, it is situated within the Hampshire River Avon Catchment; and is within the 13.8-kilometre recreational buffer of the New Forest Special Protection Area (SPA) and RAMSAR site. However, due to the nature of the application, these designations do not have any bearing on the assessment of this application.



PROPOSAL

This report considers a Section 73 application for the variation of conditions imposed on planning permission PL/2025/01730. The application relates to the site at 17 Cornwall Road, Salisbury, SP1 3NH and seeks to vary condition 2 to allow for design changes.

RELEVANT PLANNING HISTORY

Proposal / Summary
PL/2025/01730 - Householder planning permission Decision - Approve with Conditions Date: 22/4/2025 – Single Storey Rear & Side Extensions

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 20 Spatial Strategy- Salisbury Community Area
- Core Policy 57 Ensuring High Quality Design and Place Shaping

Salisbury Neighbourhood Development Plan 2020 to 2038

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.
- Considering the need for a deed of variation to the original Section 106 agreement, as the grant of a new permission under Section 73 would result in a new planning permission.

CONSULTATION RESPONSES

Salisbury City Council: No Comment.

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 application with reference: PL/2025/01730 was for a *Single Storey Rear & Side Extensions*. The proposed works included a side extension with a width of approximately 2.1 metres to contain a home office and a utility room. Alongside this, a rear extension to the host dwelling was proposed measuring approximately 3.5 metres in length for a dining room and kitchen. A rear hallway connected the host dwelling to a rear extension measuring approximately 6.3 metres in length and 5.1 metres in width. The rear extension proposed to contain a living room, en-suite and bedroom. The previous case officer report has noted: *An existing garage/store in the rear garden will be demolished and replaced with an outbuilding, to be used as an annexe.*

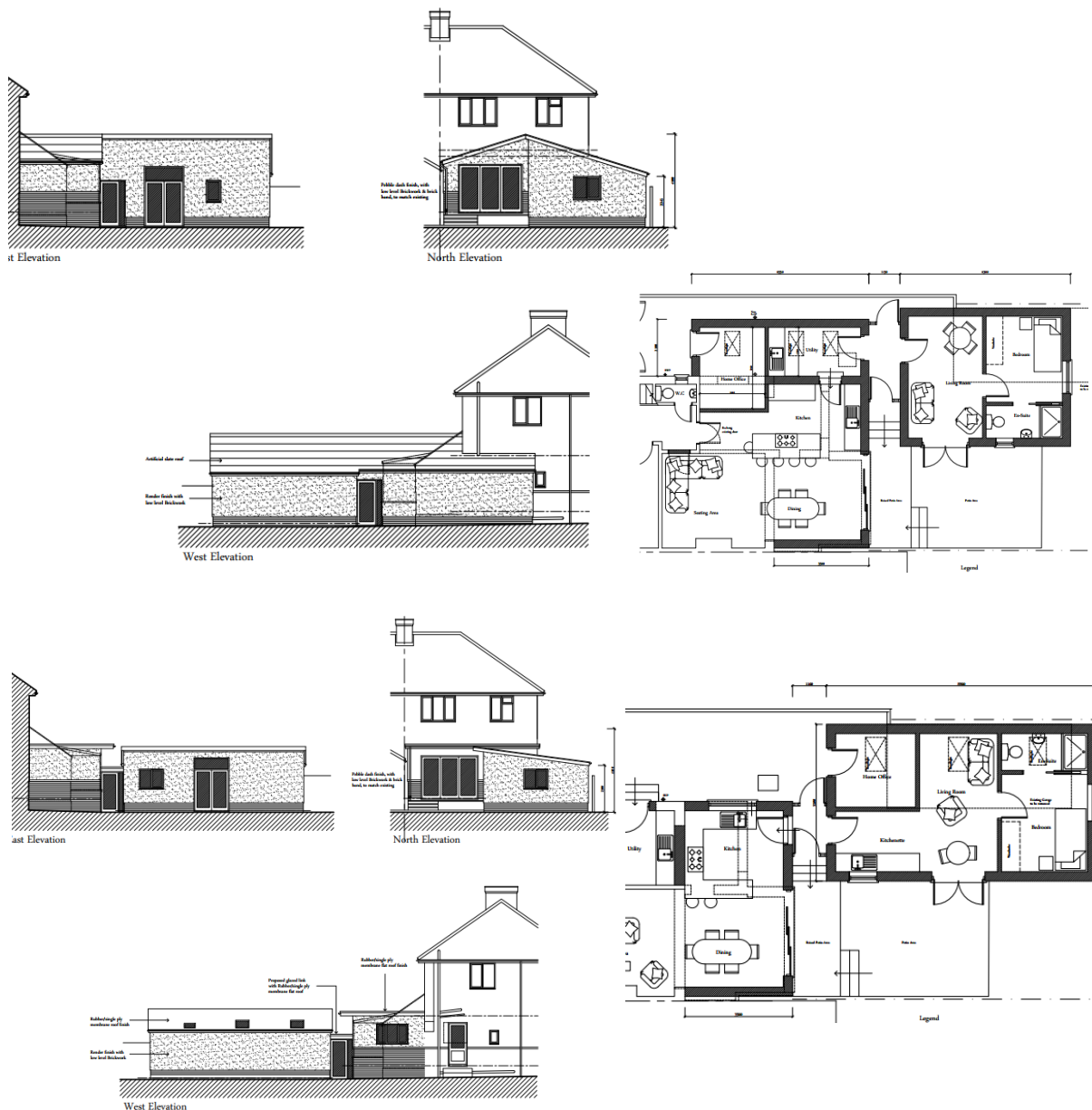
This Section 73 application proposes to vary condition 2 (plans condition) to allow for design changes. The proposed rear extension containing the dining room and kitchen to the host dwelling remains as previously proposed, although the mono pitched roof has been revised to be a flat roof extension instead. Additionally, the side extension has been removed and instead the home office space has been included in the rear extension. The rear extension has a link to the host dwelling similar to the extant permission, internally, the spaces proposed are a home office, bedroom and en-suite, living room and kitchenette. The rear extension is proposed to measure approximately 8.8 metres in length and 5.1 metres in width.

It is noted that the proposed extensions as part of this application are larger than previously approved. The internal spaces also propose a small kitchenette. However, the extensions are single storey and have a proposed use matching the extant permission. The proposed single storey mono pitched extension has been reduced in massing and height, this is a welcome revision. The previous case officer report noted that the rear extension was proposed to be used as an annex with shared facilities to the host dwelling. A condition was imposed to the application to ensure that it would be used ancillary to the host dwelling. This condition has been retained and will remain in effect. This application also includes a connection to the host dwelling similar to the existing permission.

The proposed change to the extensions remains in accordance with the relevant policies and provisions of the development plan, and the changes do not materially alter the nature or impacts of the approved scheme.

The proposed extensions remain subservient to the host dwelling and has allowed for ample rear garden space to be retained within the application site. The neighbouring dwellings were consulted on both applications and no comments were received.

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.



Assessment of Conditions

The previous planning permission included 5 conditions in total.

Condition 1 Years- will remain as from 22 April 2025.

Condition 2 Plans - has proposed to be revised to allow for the design changes.

Condition 3 Materials – the proposed extensions match the materials of the host dwelling and remain as previous.

Condition 4 Annex – the imposed condition to retain the use of the rear extension as ancillary to the host dwelling remains.

Condition 5 Obscure Glazed window – this condition is no longer relevant to the design changes as the en-suite does not have a proposed window but rather it is proposed to have a rooflight.

Other Material Considerations/Issues

The proposed changes to the extensions include the addition of three rooflights to allow light into the en-suite, living room and home office. The single storey nature of the rear extension does not allow for any overlooking from these rooflights to neighbouring dwellings. The neighbouring dwellings were consulted on both applications and no representation was received.

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.

In weighing the planning balance, the following factors have been considered:

- **Benefits:** This proposed scheme has reduced the height of the mono pitched rear extension. The proposed massing has also been simplified with the other rear extension having a simplified flat roof rather than a mono pitched roof.
- **Harms:** The proposed scheme proposes a larger footprint than the approved scheme.

It can be concluded that the proposed variation of condition is considered acceptable. The benefits of the proposal are judged to outweigh any identified harms, which can be appropriately mitigated through planning conditions or other controls. 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 begin before the 22 April 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:

Location & Block Plans, Drawing No. 906/Ex/01, received 10 Dec 2025

Proposed Floor Plans, Drawing No. 906/PL/01 Rev C, received 22 Jan 2026

Proposed Elevations, Drawing No. 906/PL/02 Rev C, received 22 Jan 2026

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

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those detailed on the application form and approved plans.

REASON: In the interests of visual amenity and the character and appearance of the area.

4. The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling, known as 17 Cornwall Road, and it shall remain within the same planning unit as the main dwelling. It shall not be sold or let separately.

REASON: The additional accommodation is sited in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit a wholly separate dwelling.