

12<sup>th</sup> February 2026

Our Ref: SWLC.LPC6051

Development Services – North  
Wiltshire Council  
Monkton Park  
Chippenham  
Wiltshire  
SN15 1ER

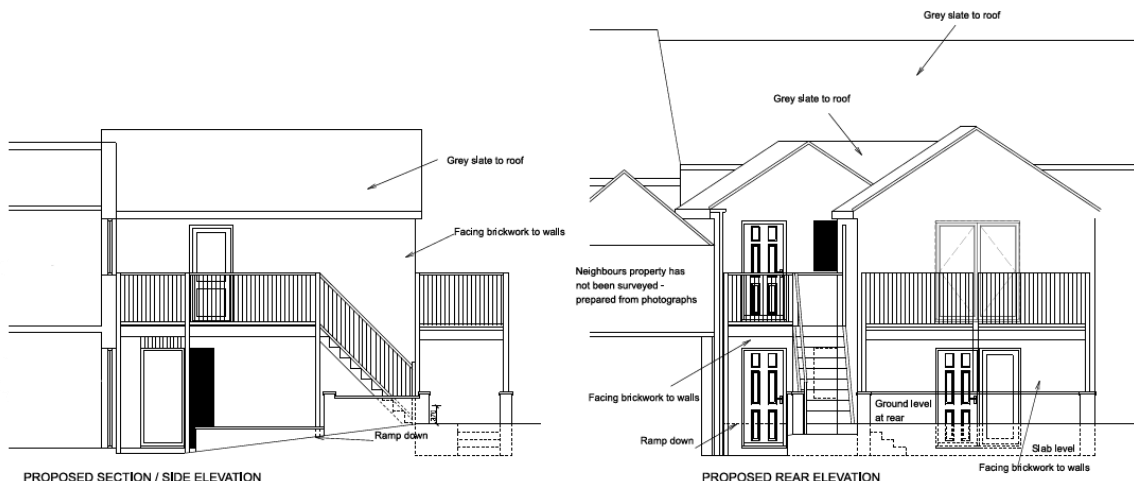
Dear Sir/Madam

**Town and Country Planning Act 1990**  
**Re: Section 73 application to vary condition No 2 imposed on**  
**application PL/2025/08061 regarding the external alteration of**  
**117 High Street, Royal Wootton Bassett, SN4 7AU**

As you will be aware the change of use of the above premises from commercial, business and service (Use Class E) to dwellings (Use Class C3), comprising 4No residential apartments was approved as permitted development pursuant to Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) by application PL/2025/04639. Subsequent to that, application reference PL/2025/08925 has recently approved several external alterations related to the delivery of an enhanced internal conversion scheme. Accordingly, an expressed permission has been granted in respect of the material external changes.

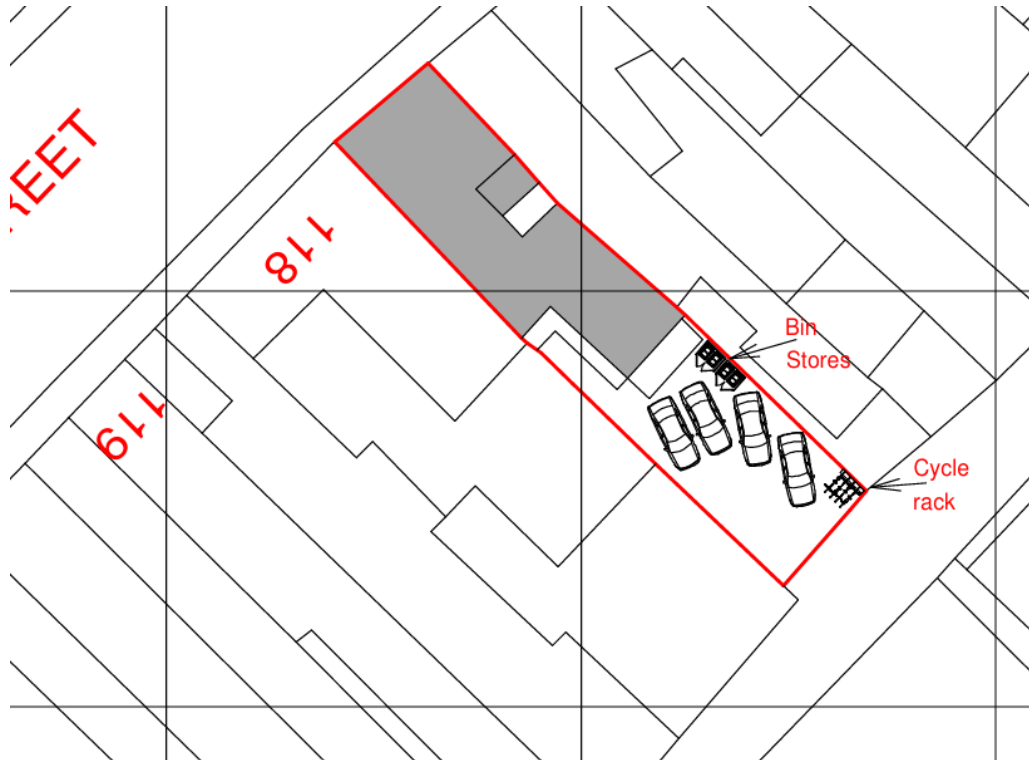
It is the purpose of the enclosed application to modify the external changes approved by varying those plan details listed at condition No 2.

Specifically, the plan details enclosed seek to add a first-floor balcony (with French doors) to the rear of the building, serving the living room to flat No 3, and mirroring the sitting out space on the raised platform servicing flat No 1 below.



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There is, as shown above, a raised side entrance to both flat Nos 3 and 4 on the first floor, but as explained in support of the recent approval, and recognised in the case officer's delegated report, this provides a means of access and not an amenity space



The position of the balcony, relative to the new first floor side stairs can be seen above and is thus positioned much further towards the end (south east) of the neighbour's garden. The image below shows the end of the garden and the neighbouring windows beyond.



The recent delegated report noted that, ‘there is already an established degree of overlooking from the existing first-floor stairs, door and window in this location. Under the permitted development (established under PL/2025/04639), the window would serve a kitchen and the existing door (which already incorporates an obscure-glazed panel) would serve a hallway. As such, the current arrangement - comprising the stairway, access and window - already allows some overlooking towards the neighbouring garden at No. 118. This established and permitted position must be regarded as a material consideration of considerable weight (i.e. the lawful baseline) when considering the proposals impact upon the amenity and living conditions of the neighbours.’

The positioning of the proposed balcony, beyond the end wall of No 117, (visible in the above photograph,) affords an obscure southern view only towards part of the evidently little used end of the neighbour’s garden. The change does not therefore materially lessen the prevailing privacy/amenity, in accord with the previous planning balance made within the scope of policy CP57. Without prejudice though, it would be possible to remove all side views by inserting a privacy screen up to eye level on the sides of the balcony and if this is considered necessary, I would be willing to discuss such a change.

The proposed balcony itself is simply detailed and in line with the recent assessment made represents a minor change, to the rear of the building only, where it has been agreed contextually, and in terms of the building’s heritage interest such change will be satisfactorily accommodated.

As you will be aware Section 73 to the Town and Country Planning Act 1990 enables an applicant to apply to develop land without compliance with conditions attached to an extant planning permission, and under this section a Local Planning Authority may amend or remove conditions. Additionally, of course it is understood that a successful Section 73 application results in the grant of a new planning permission, without deleting the original permission, which is therefore a material consideration.

Additionally, you will also be aware that the Courts have held that when determining a Section 73 application the amendments permitted should not amount to a ‘fundamental alteration’ of the proposal put forward in the original application. The case of *R (Vue Entertainment Limited) v City of York Council [2017] EWHC 588 (Admin)* gave clear support for use of Section 73 in respect of changes to a condition that went beyond ‘minor’ amendments though.

In conclusion, the changes proposed do not fundamentally change the application development and amount to alterations that, had they formed part of the original submission there is no evidence to suggest they would not have been accepted at that time. There has been no material change in circumstances either that indicate the application details were so prescriptive that minor changes could not be countenanced, reflecting as they do in this case a reasonable design standard, fully informed by the position and context of the change.

Finally, for ease of reference the conditional wording in question is inserted below and I have highlighted in bold those plans to be replaced, with the particulars to be replaced, shown in red.

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

*LPC 6051 PR 04 Proposed Floor Plans*

***Proposed Floor Plans Y25-132-3***

*LPC 6051 PR 03 Proposed Sections and Elevations*

***Proposed Sections and Elevations Y25-132-4***

*Location Plan Y25-132-5*

*Proposed Site Plan Y25-132-6*

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

I trust you have sufficient information to promptly agree the small change in question, however if there are any questions arising, please do not hesitate to contact me direct.

Yours faithfully



Simon Chambers  
Director

Enc.

Cc Ms F Bendall