

APPLICATION FOR VARIATION/REMOVAL OF CONDITION CASE OFFICER REPORT

APPLICATION REFERENCE:	PL/2025/08797
APPLICATION TYPE:	Removal/variation of conditions
SITE ADDRESS:	9 Riverbourne Road, Milford, Salisbury, SP1 1NU
DEVELOPMENT DESCRIPTION:	Variation of condition 2 (Approved Plans) relating to application PL/2025/06230.
RECOMMENDATION:	That Planning Permission be GRANTED

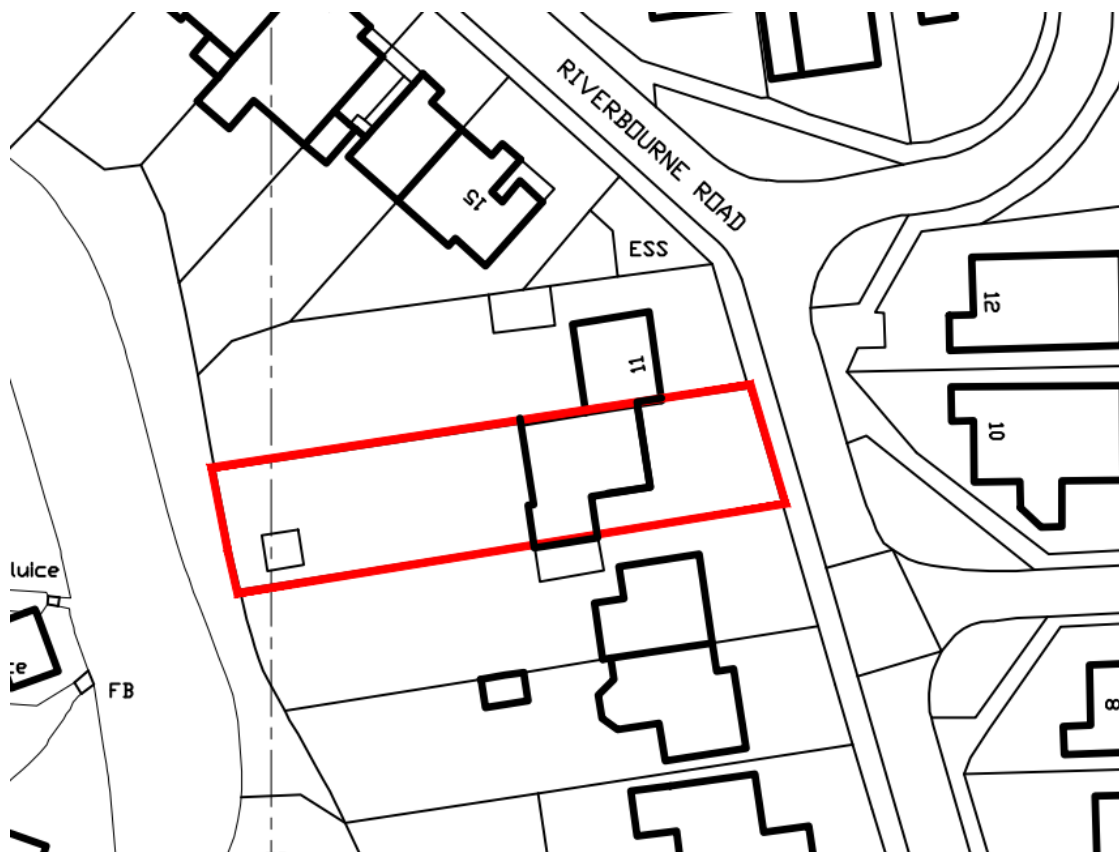
PROPOSAL

This report considers a Section 73 application for the variation of a condition imposed on planning permission PL/2025/06230. The application relates to the site at 9 Riverbourne Road, Milford, Salisbury, SP1 1NU and seeks to vary condition 2 in relation to the approved plans.

The variation relates solely to widening the first-floor rear extension and introducing an additional gable end to provide extra floor space within bedroom 3. No changes are sought to the garage extension or proposed garden office.

SITE DESCRIPTION/CONTEXT

The site comprises a two-storey, semi-detached dwelling with three bedrooms, an attached garage, on-site parking, and a rear garden. Riverbourne Road is an unclassified road, predominantly characterised by semi-detached properties and a mix of single- and two-storey bungalows. The site is located in Laverstock which under the Wiltshire Core Strategy, specifically Core Policies 1, 2, and 23, is classified as a Small Village.



RELEVANT PLANNING HISTORY

Proposal / Summary
PL/2025/06230 - Householder planning permission Decision - Approve with Conditions Date: 18/9/2025 – Proposed 1st Floor Rear Extension, Internal Alterations & Garden Office Building

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 23: Southern Wiltshire Community Area
- Core Policy 57: Ensuring High Quality Design and Place Shaping
- Core Policy 61: Transport and Development
- Core Policy 64: Demand Management

Laverstock and Ford Neighbourhood Plan

Wiltshire Design Guide: Appendix D – Design Guidance for Householder extensions

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

Laverstock and Ford Parish Council – no comment – with the following text received:

'No comment.'

REPRESENTATIONS

No representations were 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 attached to the original planning permission.

Design and impact upon the character and context of the area

Core Policy 57 - Ensuring High Quality Design and Place Shaping of the Wiltshire Core Strategy seeks to ensure that all new development is of high design quality, reflecting local context, character, and distinctiveness.

As with the previous consent, the first-floor rear extension will not be visible from the public highway so the impact on the character of the area will remain negligible. The introduction of a second gable end will create visual symmetry on the rear elevation, whereas the earlier scheme did not. The new gable will project to match the approved gable on the first-floor extension granted under the original permission, resulting in a coherent and unified design. To accommodate the additional gable, the ridge heights of both gables are reduced compared with the original consent, which leads to a less dominant overall form. The materials will remain as previously approved, with brickwork and roof tiles to match the existing dwelling, ensuring the pair of gable ends appear sympathetic to the main dwelling.

Having regard to the above, the proposal complies with the design principles set out in Core Policy 57 of the Wiltshire Core Strategy and Appendix D of the Wiltshire Design Guide.



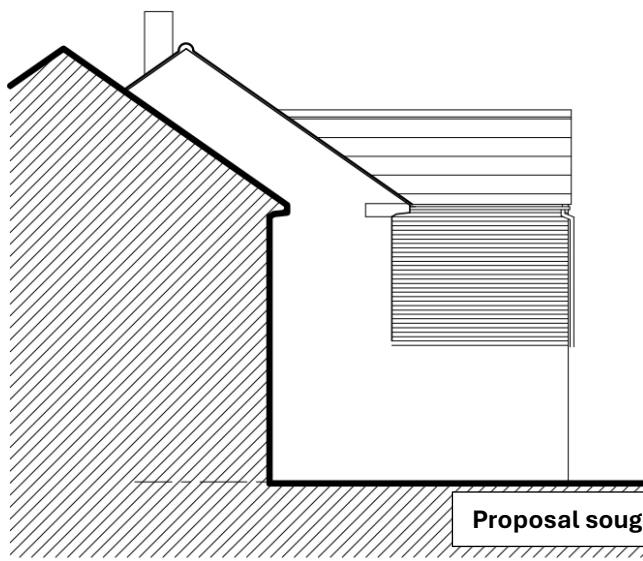
West Elevation

Existing rear elevation

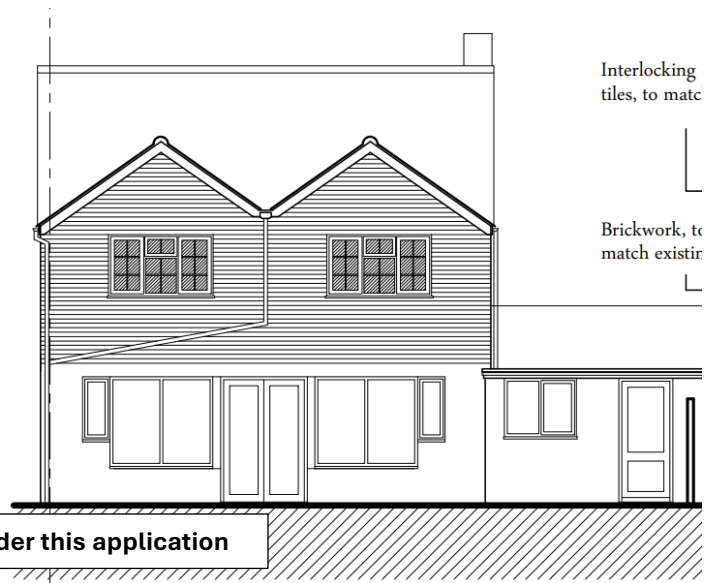


West Elevation

Proposal granted permission in 2025



North Elevation



West Elevation

Proposal sought under this application

Amenity

Point vii of Core Policy 57 - Ensuring High Quality Design and Place Shaping of the Wiltshire Core Strategy seeks to ensure that developments do not adversely affect neighbouring properties. The National Planning Policy Framework (NPPF), particularly Paragraph 135(f), stresses that planning decisions should ensure developments provide a high standard of amenity for existing and future users.

In terms of residential amenity, the changes sought through this variation are not significantly different from the impact already established under the extant permission. The additional gable will be positioned on the side closest to the attached neighbouring dwelling at number 11, and any potential overshadowing or overbearing effects have been carefully assessed.

It is important to acknowledge the existing relationship between the two properties. Number 9 is set further back to the west compared with number 11, and this offset means that the occupiers of number 11 already experience views of built form at number 9 from both ground

and first floor levels. This is an established arrangement that forms part of the baseline for assessing amenity impact.

The widening of the first-floor rear extension will not materially worsen this existing relationship. The additional gable will remain subordinate to the main dwelling, with a ridge height significantly lower than the main roof, which ensures the extension will not introduce harmful massing or an oppressive sense of enclosure.

No new openings are proposed on the side facing number 11, and the variation will not introduce any overlooking beyond what was already approved. As such, the proposal will preserve acceptable levels of privacy for neighbouring occupiers.

During the consultation process it became apparent that the fascia board and guttering associated with the additional gable would overhang the neighbouring property at 11 Riverbourne Road by approximately 125mm. Although this represents only a minor encroachment across the boundary, it was considered necessary and appropriate for the applicant to serve Certificate B on the owner of number 11. This was completed and confirmed by the agent through correspondence with the case officer. No public comments or private correspondence were received from the owner of number 11 raising any concern or objection in relation to this matter.

The development therefore accords with Core Policy 57 (criterion vii) of the Wiltshire Core Strategy and the guidance set out in Appendix D of the Wiltshire Design Guide.

Assessment of Conditions

The case officer has reviewed all conditions attached to the original consent and each has been carried forward into this Section 73 application. Condition 1, which sets out the timeframe for commencement of development, has been updated to reflect the 3-year period from the date of the original approval. Condition 2 has been amended to reference the revised elevation drawings submitted with this application. Condition 2 also still contains approved plans for the garage extension and garden room to which no alterations are sought via this Section 73. Conditions 3–5 have been assessed and remain relevant and necessary and will continue to apply following approval of this Section 73 variation.

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. 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 begun before the 18th September 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:

- Existing location and site plan – ref (0979/Ex/02) – date received: 04/11/2025
- Proposed floor plans and elevations – ref (0979/PL/01-D) – date received: 14/01/2026
- Proposed garden office elevations and floor plan – ref (0979/Pr/02) – date received: 24/07/2025

3. Materials used on the first-floor rear extension shall be as shown in the approved elevation drawings.

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

4. The outbuilding hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling, known 9 Riverbourne Road, and it shall remain within the same planning unit as the main dwelling.

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.

5. Before the development hereby permitted is first brought into use the window in the first floor of the south elevation shall be glazed with obscure glass only [to an obscurity level of no less than level 5] and the windows shall be maintained with obscure glazing in perpetuity.

REASON: In the interests of residential amenity and privacy.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or reenacting or amending that Order with or without modification), no windows, doors, or other form of openings other than those shown on the approved plans, shall be inserted in the side elevations of the first floor rear extension hereby permitted.

REASON: In the interests of residential amenity and privacy.