



Poulsom Architectural Design and Planning Services

17 April 2026

Development Management
County Hall
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

Dear Sir/Madam,

Section 73 application to vary drawings approved under planning reference: W/08/00539/FUL

Pembroke House, Edward Street, Westbury, Wiltshire, BA13 3BG

Please find enclosed an application an S73 application relating to the above development. The submission includes (all submitted electronically unless stated):

- This covering letter;
- Relevant forms and certificates;
- All necessary indicative plans;

Background

Planning consent was obtained on 27th January 2009 under the following application description:

'roof extension to create two additional flats, side extension to create four further flats, parking and ancillary works.'

This consent would have expired on 27th January 2012; however, a material start was made prior to the expiration. In terms of evidence for the material start, the applicant has building control sign off from 27th July 2009 (Appendix A), which confirms that the footings were laid prior to 27th January 2012. In addition to this, the previous owner of the site contacted the Case Officer at the time, James Taylor, to ascertain if the Council agreed that a material start had been made. In correspondence available on the Council Website dated 5th January 2012, and appended to this letter (Appendix B), James Taylor offers an informal opinion, stating he is *"happy to confirm that you have had your pre-commencement conditions approved and the photographs do appear to show the development site and foundations being concreted in. On that basis, and again in my own informal opinion, I would consider that a material start has been made and the planning permission has been implemented within the necessary timescales."*

The Proposal

The application proposal seeks to vary the approved drawings, to allow for the approved flats to be enlarged via a rear (south) extension measuring 47m². The ridge height is also increased by 0.12m. These changes do not alter the description of the parent application and are therefore allowed under a Section 73 application.

Planning Policy Context

In terms of planning policy, the Wiltshire Core Strategy discusses high quality development under Policy CP57. When reviewing the sizes of the flats approved under the extant consent, the GIA ranges from 28.85m² to 32.7m². None of the approved flats meet the minimum standards, as required by the Nationally Described Space Standards (NDSS), as published in March 2015. The proposed extension would increase the flats to sizes between 30.7m² and 42.6m² respectively.

The table below highlights the minimum space standards for new build units. As aforementioned, the extant consent provided for flats falling short of the NDSS. The proposed sizes under this S73 application seeks to increase the flats sizes and whilst it is acknowledged that these are still smaller than the NDSS requirements, they will still be a better solution than what the extant consent allows for.

Table 1 - Minimum gross internal floor areas and storage (m²)

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		

Principle of Development

The principle of additional accommodation on the site has been established by virtue of the 2009 approval. Therefore, the only areas for consideration pertain to the material differences. Specifically, these are the increase in footprint and ridge height.

Footprint

Increasing the footprint to the rear (south) brings the built form closer to the boundary with the telephone exchange. However, this is not a habitable property and will not cause any negative impacts on the amenity of the existing occupants of Pembroke House.

Ridge Height

Considering the increase in ridge height, it is very marginal and would not cause detriment to the occupants of any neighbouring properties or cause conflict with the prevailing character and appearance of the area.

I trust that the application will meet with your support and result in a favourable recommendation in due course. Please contact me if you require any further information at any stage of the application process, and I would be grateful for an update once you have had a chance to review the application.

Yours sincerely

Poulsom Architectural Design and Planning Services

Appendix A

Total Building Control: Site Inspection /Info sheet				
Site Address:	Pembroke House Edward Street Westbury BA13 3BG		Project Ref:	WBC09/366
			Builder/Agent:	
Site Contact:	Mr P Maslen			
Tel No:				
Description of work:	Proposed Extension & alterations to form 6no Flats			
Does the description of work match the Initial Notice?	Yes ☒	No ☐	If not details as follow:	
Sewer Consult Required: YES			Fire Consultation Required: N/A	
Build Over Agreement Required: TBC			Fire Consultation Response received: Yes/No	
Radon:	NULL			
COAL:	NULL			
PIA:	Null	SENT:	REVISED: Yes/No – SENT Yes/No	
Certification required on completion: Elec Cert, Fire Alarm, St Calcs Information required on completion:				
Date + Details	Surveyor	Surveyors comments:		
Date of inspection: 09.10.11 Weather: Dry ☒ Damp ☐ Wet ☐ Temperature: 4 degrees or below ☐ Normal range ☒ 30 degrees and above ☐ Who was met on site:	Charles Burgess	Works commenced. Foundations excavated 600mm wide 1.2m into stiff virgin clay. Ok for concrete		

Date of inspection: Weather: Dry ☐ Damp ☐ Wet ☐ Temperature: 4 degrees or below ☐ Normal range ☐ 30 degrees and above ☐ Who was met on site:		
Date of inspection: Weather: Dry ☐ Damp ☐ Wet ☐ Temperature: 4 degrees or below ☐ Normal range ☐ 30 degrees and above ☐ Who was met on site:		

Section 47 of the Building Act 1984
The Building (Approved Inspectors, etc.) Regulations 2000

INITIAL NOTICE

To: **Building Control Department**
West Wiltshire District Council
Bradley Road
Trowbridge
BA14 0RD

1.0 This Notice relates to the following work:
Proposed Extension & alterations to form 6no Flats at
Pembroke House, Edward Street, Westbury, BA13 3BG

2.0 The Approved Inspector in relation to the work is:

Total Building Control Ltd
Corporate Approved Inspectors
Unit 2, Wansdyke Business Centre
Oldfield Lane
Bath. BA2 3LY

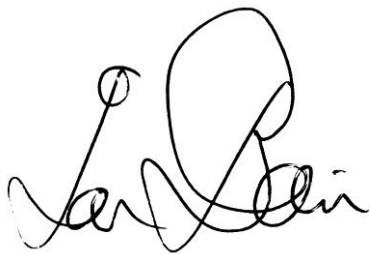
Ref (WBC09/366)

3.0 The person intending to carry out the work is:
Mr P Maslen of
6 Whitestone Road, frome, BA11 2DN

4.0 With this notice are the following documents, which are those relevant to the work described in this Notice:

- (a) in case of a notice given by an inspector approved following an application under regulation 3(1) of the 2000 Regulations, a copy of the notice of approval, **Enclosed**
- (b) a declaration signed by the insurer that a named scheme of insurance approved by the Secretary of State applies in relation to the work described in the notice, **Enclosed**
- (c) in the case of the erection or extension of a building, a plan to a scale of not less than 1:1250 showing the boundaries and location of the site and where the work includes the construction of a new drain or private sewer a statement:-
 - i. as to the approximate location of any proposed connection to be made to a sewer, or **N/A**
 - ii. if no connection is to be made to a sewer, as to the proposals for the discharge of the proposed drain or private sewer including the location of any septic tank and associated secondary treatment system, or any wastewater treatment system or any cesspool. To existing Drainage system. **N/A**

- (d) a statement of any local enactment relevant to the work, and of the steps to be taken to comply with. **N/A**
- 5.0 The work **is** not minor works.
- 6.0 Total Building Control Ltd declare that they do not, and will not while this Notice is in force, have any financial or professional interest in the work described.
- 7.0 Total Building Control Ltd will be obliged to consult the Fire Authority by Regulation 13 of the 2000 Regulations.
- 8.0 Total Building Control Ltd undertake to consult the Fire Authority before giving a Plans Certificate in accordance with Section 50 of the Act or a Final Certificate in accordance with Section 51 of the Act in respect of any of the work described above.
- 8.0A Total Building Control Ltd will be obliged to consult the sewerage undertaker by regulation 13A of the 2000 Regulations.
- 8.0B Total Building Control Ltd undertake to consult the sewerage undertaker before giving a plans certificate in accordance with section 50 of the Act or a final certificate in accordance with section 51 of the Act in respect of any of the work described above.
- 9.0 Total Building Control Ltd are aware of the obligations laid upon them by Part II of the Act and by Regulation 11 of the 2000 Regulations.



Signed

Total Building Control Ltd
Corporate Approved Inspectors

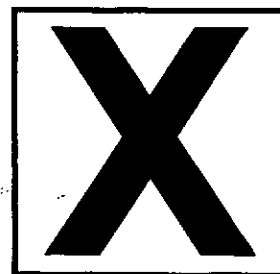
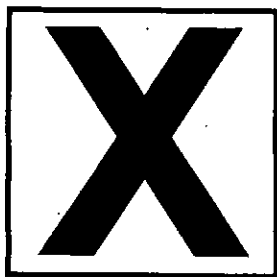
Date: 27th July 2009

Signed

On behalf of the
persons intending to
carry out the work

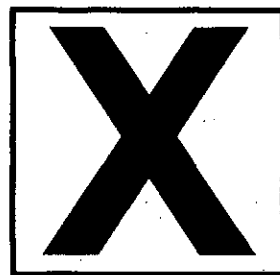
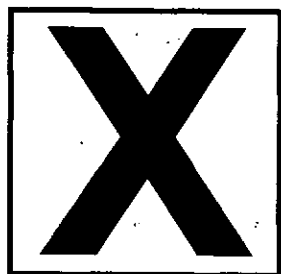
Date: 27th July 2009

Appendix B



08/00539

EXTRA CORRES



Taylor, James

From: Taylor, James
Sent: 05 January 2012 08:16
To: 'Paul Maslen'
Subject: RE: Re:Material start planning application ref number 08/00539

Dear Paul

Happy new year to you.

This department does not inspect development works and it is the responsibility of the developer to ensure that they comply with the approved plans and the imposed conditions; including but obviously not limited to accurate siting of building footprints and implementation timescales. Failure to do so may invalidate any permission.

However in the interests of being helpful, in my own informal officers opinion I am happy to confirm that you have had your pre-commencement conditions approved and the photographs do appear to show the development site and foundations being concreted in. On that basis, and again in my own informal opinion, I would consider that a material start has been made and the planning permission has been implemented within the necessary timescales.

Please note that these are my own informal opinions and are not binding on any formal decisions by Wiltshire Council either by officers under delegated powers or by members at a planning committee; and my comments are without the benefit of a site inspection.

Best wishes, James

Mr James Taylor BA(Hons) MA MRTPI
Senior Planning Officer, Central Team
Wiltshire Council
T: 01225 770249

-----Original Message-----

From: Paul Maslen [mailto:]
Sent: 04 January 2012 21:08
To: Planning Office
Cc: Taylor, James
Subject: Re:Material start planning application ref number 08/00539

Hi James

Thanks for signing the conditions off,
I've made a material start on the foundations and included some photos, I hope this will be sufficient?
Could I have this in writing as proof that permission is ongoing, as i need confirmation from the planning department for a 3rd party (development funds) as the 3 year period is due to expire on the 27-01-2012 .

Regards Paul

07988 678 001

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For more information please visit <http://www.symanteccloud.com>





