

APPLICATION FOR VARIATION/REMOVAL OF CONDITION

CASE OFFICER REPORT

APPLICATION REFERENCE:	PL/2026/01284
APPLICATION TYPE:	Removal/variation of conditions
SITE ADDRESS:	96 Firs Road, Firsdawn, Salisbury, SP5 1SP
DEVELOPMENT DESCRIPTION:	Variation of condition 2 (Approved Plans) relating to application PL/2025/08317.
RECOMMENDATION:	That Planning Permission be GRANTED

PROPOSAL

This report considers a Section 73 application to vary a condition imposed on planning permission PL/2025/08317. The application relates to 96 Firs Road, Firsdawn, Salisbury, SP5 1SP and seeks to vary condition 2, the approved list of plans, to allow a pitched roof instead of the previously approved flat roof.

SITE DESCRIPTION/CONTEXT

The site comprises a single-storey bungalow accessed from the Class C Firs Road. It is set back from the highway and benefits from ample on-site parking. The property includes a large rear garden that adjoins open countryside to the north, with neighbouring dwellings located to the east and west. The site falls within the 13.8km zone of influence for the New Forest Protected Sites, the River Test catchment area, and is situated within a Special Landscape Area as defined by Saved Policy C6 of the Salisbury District Local Plan.



RELEVANT PLANNING HISTORY

Proposal / Summary
S/1992/0339 - Full planning permission Decision - Approve with Conditions Date: 9/4/1992 – SINGLE STOREY RESIDENTIAL EXTENSION
S/1990/1150 - Full planning permission Decision - Refused Date: 19/9/1990 – CONSTRUCTION OF A GUEST FLAT ABOVE EXISTING FLAT ROOFED DOUBLE GARAGE
S/2007/0497 - Full planning permission Decision - Approve with Conditions Date: 25/4/2007 – GRANNY ANNEXE
PL/2025/08317 - Householder planning permission Decision - Approve with Conditions Date: 11/12/2025 – Proposed Part Demolish Existing Garage and Form Utility

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.

Wiltshire Core Strategy:

- Core Policy 1: Settlement Strategy
- Core Policy 2: Delivery Strategy
- Core Policy 23: Southern Wiltshire Community Area
- Core Policy 51: Landscape
- Core Policy 57: Ensuring High Quality Design and Place Shaping
- Core Policy 61: Transport and New Development
- Core Policy 64: Demand Management

Saved Policies from Salisbury District Council Local Plan:

- C6: Special Landscape Area

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

The National Planning Policy Framework (NPPF)

The Planning Practice Guidance

National Design Guide

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

Firsdow Parish Council: no objection – with the following text received:

‘Firsdow Parish Council has no objection to this application. The visual appearance of the pitched roof is much improved to that of the flat roof.’

REPRESENTATIONS

No representations were received.

ASSESSMENT

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:

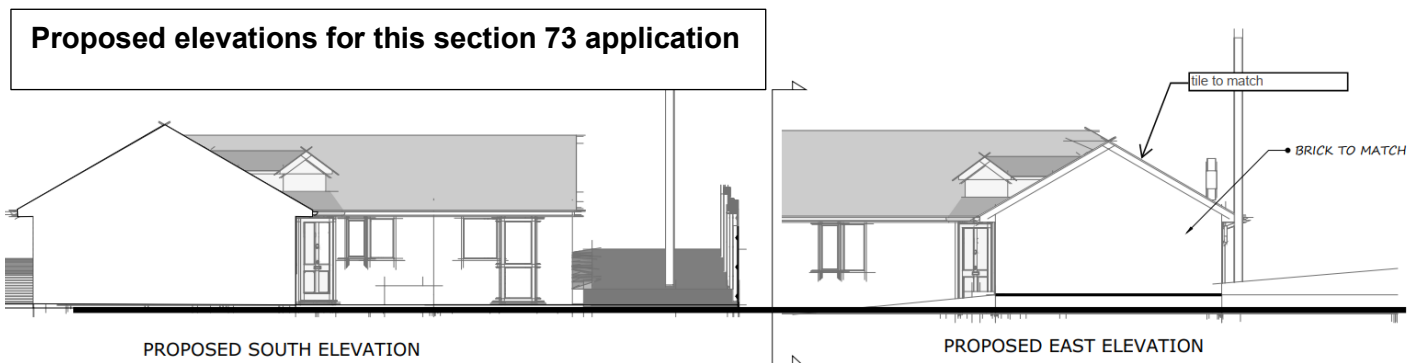
"If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise."

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.

AMENDED TO SHOW PITCHED ROOF



3D image of the previously approved flat roof utility room



3D image of the proposed pitched roof utility room under this section 73 application

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.

The amended proposal seeks to replace the previously approved flat roof with a pitched roof to the utility. The pitched roof would align with the height and roof form of the main dwelling, resulting in a continuous and harmonious appearance when read against the existing bungalow. The revised roof form would not introduce any additional bulk or massing that would appear visually intrusive within the site or surrounding area.

The external materials would remain consistent with those approved under the original permission, with brickwork to match the main dwelling and roof tiles now proposed to reflect the existing pitched roof. The case officer considers that the introduction of a pitched roof, together with matching materials, would represent an improvement on the previously approved design by better reflecting the character of the main dwelling and reinforcing the coherent appearance of the built form. As such, the amended scheme would not result in harm to the character or appearance of the dwelling or the wider area and continues to comply with Core Policy 57 and relevant design guidance.

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.

Amenity

Point vii of Core Policy 57 of the Wiltshire Core Strategy seeks to ensure that development does not adversely affect the amenity of neighbouring properties. The National Planning Policy Framework also requires that developments provide a high standard of amenity for existing and future occupiers.

The Section 73 application seeks to replace the previously approved flat roof with a pitched roof. The footprint, siting and relationship of the utility to neighbouring properties would remain unchanged from the approved scheme. While the pitched roof would result in a modest increase in height when compared to the flat roof, the overall scale of the structure would remain equal to the main dwelling and would not give rise to any material increase in overlooking, loss of light, overshadowing or overbearing impact. The limited impact on residential amenity is therefore considered to be the same as that already assessed and found acceptable under planning permission PL/2025/08317. As such, the proposal continues to comply with Core Policy 57 in respect of safeguarding residential amenity.

Highways

Core Policy 57 (xiv) of the Wiltshire Core Strategy requires development to meet the provisions of Core Policies 61 and 64. The Section 73 application seeks only to amend the approved roof form from flat to pitched and would not alter the footprint, siting or use of the development. The proposal would not affect the approved access arrangements or on-site parking provision. The highways impact is therefore the same as that previously assessed and found acceptable

under planning permission PL/2025/08317, and the proposal continues to comply with Core Policies 57, 61 and 64 of the Wiltshire Core Strategy and the National Planning Policy Framework.

Assessment of conditions

The case officer has reviewed all conditions attached to the original permission to ensure their continued relevance to the amended proposal. Condition 1, which relates to the commencement of development, has been updated to reflect the three-year implementation period from the date of the original permission. Condition 2 has been amended to reference the revised elevation drawings submitted with this application, which show the change from a flat roof to a pitched roof. Condition 3 previously linked the external materials to the details provided in the application form for the original householder permission, which included materials associated with a flat roof. As the pitched roof would instead utilise roof tiles to match the main dwelling, this condition has been amended to link the approved materials to those shown on the revised proposed elevations.

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 11th December 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:

- Application Form – date received: 17/10/2025
- Site and block plan – (ref: TY/04/26) – date received: 24/02/2026
- Proposed elevations – (ref: TY/01/26) – date received: 20/04/2026

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

3. Materials to be used in the construction of the development hereby permitted shall be in accordance with the details stated in the approved 'proposed elevations' (ref: TY/01/26) – date received: 20/04/2026

REASON: In the interest of the visual amenity and character of the area.