

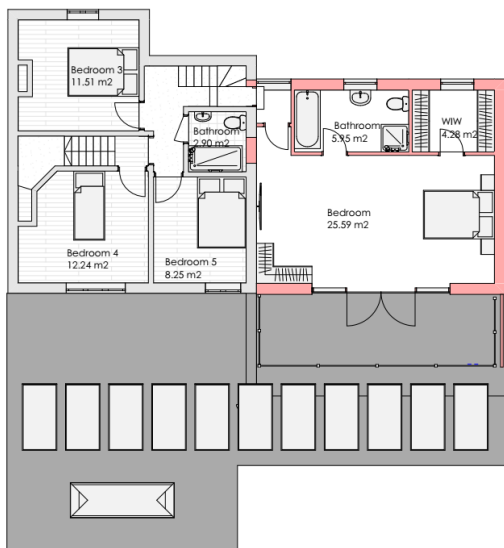
APPLICATION FOR VARIATION/REMOVAL OF CONDITION CASE OFFICER REPORT

APPLICATION REFERENCE:	PL/2025/09348
APPLICATION TYPE:	Removal/variation of conditions
SITE ADDRESS:	Doward, Southampton Road, Alderbury, Salisbury, SP5 3AQ
DEVELOPMENT DESCRIPTION:	Vary conditions from original planning application PL/2025/01299 to address design alterations.
RECOMMENDATION:	Approve with Conditions

SITE DESCRIPTION/CONTEXT

The application site is a semi-detached residential property set within a substantial size plot along Southampton Road, Alderbury. The site falls within the Conservation Area.

In 2025 the site gained permission under planning reference: PL/2025/01299 for renovations and first floor extension for multigenerational living. The works have commenced on site however, during construction the previously approved glazing to the first floor rear bedroom (Bedroom 4) was fitted with doors instead of the approved window.

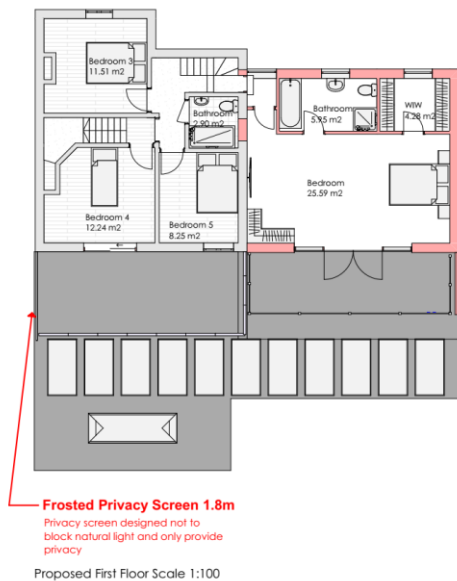


Original approved Proposed first floor plan

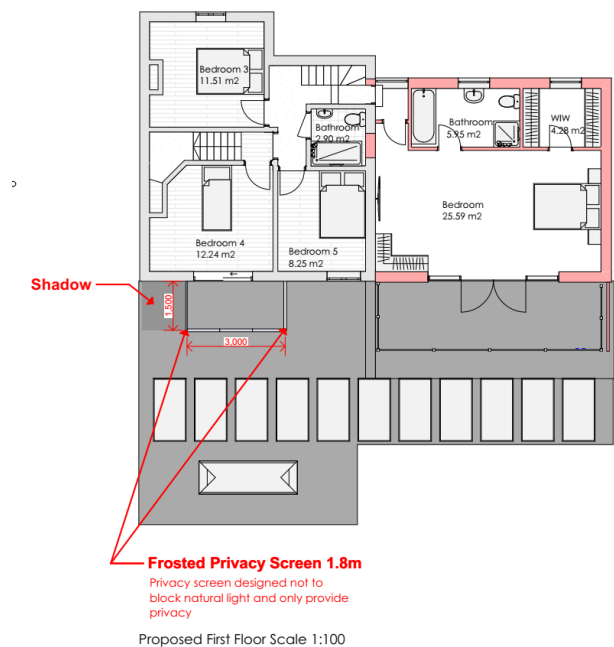
The current application, therefore, seeks approval to alter the 'plans as listed' condition imposed on the above-mentioned approval to allow for the design alterations to allow the doors to remain and a balcony area serving bedroom 4, with privacy screen.

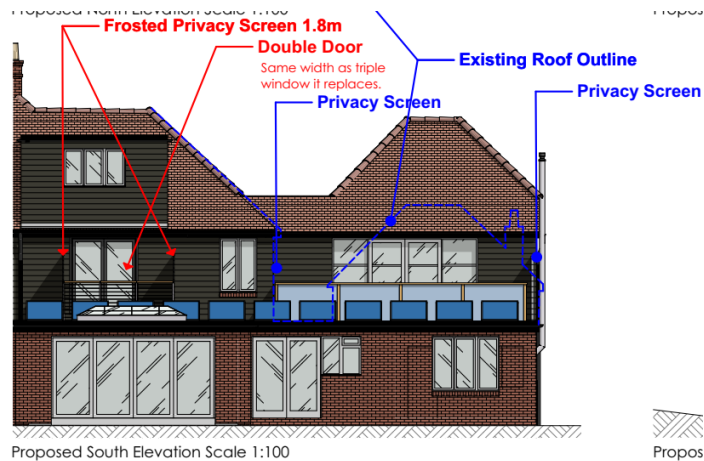
The original submission proposed a large balcony extending to the shared boundary line with the neighbouring property. Officers considered this to be excessive, particularly considering the property would already boast a balcony serving the master bedroom and its footprint and

proximity to the shared boundary would potentially be detrimental upon the residential amenities of the neighbouring property in terms of potential overlooking and disturbance. An objection was also received from the residents of the attached property.



Following these concerns revised plans were submitted reducing the size and stepping the balcony back from the shared boundary. These plans were reconsulted on and the neighbouring property now raises no objection to the revisions.





PROPOSAL

This report considers a Section 73 application for the variation of condition imposed on planning permission PL/2025/01299. The application relates to the site at Doward, Southampton Road, Alderbury and seeks to vary condition 2 in relation to alter the proposed rear elevation on the approved plans.

RELEVANT PLANNING HISTORY

Proposal / Summary

PL/2025/01299 - Householder planning permission Decision - Approve with Conditions
Date: 8/4/2025 – Renovations and first floor extension for multigenerational living

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 3 Infrastructure Requirements;
- Core Policy 23 South Wiltshire Community Area
- Core Policy 57 Ensuring High Quality Design and Place Shaping;
- Core Policy 58 Ensuring the Conservation of the Historic Environment;
- Core Policy 61 Transport & Development;

Wiltshire Design Guide Supplementary Planning Document ('the WDG SPD') adopted by Wiltshire Council on 25th March 2024.

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

Parish/Town Council:

Alderbury Parish Council – No comment.

REPRESENTATIONS

Below is a summary of the representations received during the consultation period. Only material planning considerations have been taken into account in the assessment of this application. Non-material issues, such as property values or private legal disputes, cannot be considered in the determination process.

One objection was received on the original submission raising privacy and disturbance concerns. However, following the revised plans this objection has been withdrawn.

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(s) attached to the original planning permission.

Compliance with the Development Plan

No material changes to the development plan have taken place between the original approval and now and therefore, the same policies apply.

Assessment of Conditions

The revisions proposed to the plans are now considered acceptable and the proposed balcony to bedroom 4 is considered a modest addition which would now be stepped back from the shared boundary, and the plans are annotated with the proposed privacy screens. All previous conditions imposed upon the original consent are still considered appropriate and would be carried across.

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. The revised plans as part of the submission now address initial concerns in relation to the residential amenities of the neighbouring property and therefore, the plans as listed condition is able to be varied.

RECOMMENDATION:

That Planning Permission be GRANTED subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 8th 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 and documents:

P002 Existing site and location plan received 27/11/25

P008 Existing elevations received 27/11/25

P007 Proposed loft and roof plan received 27/11/25

P006 Existing loft and roof plan received 27/11/25

P004 Existing ground and first floor plan received 27/11/25

P003 Proposed site and location plan received 26/03/26

P005 Proposed ground floor and first floor plans received 26/03/26

P009 Proposed elevations received 06/05/26

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

3. Prior to the first use of the development hereby permitted, the 1.8m high privacy screens as shown on the approved plan P009 (Proposed Elevations) shall be erected and retained for the lifetime of the development.

REASON: In the interest of residential amenity.

INFORMATIVE: The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

INFORMATIVE: Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

BNG INFORMATIVE: The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Wiltshire Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply. The following exemption is considered to apply -

Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building."