

APPLICATION FOR VARIATION/REMOVAL OF CONDITION CASE OFFICER REPORT

APPLICATION REFERENCE:	PL/2026/03058
APPLICATION TYPE:	Removal/variation of conditions
SITE ADDRESS:	1 Millgreen Road, Amesbury, Salisbury, SP4 7RE
DEVELOPMENT DESCRIPTION:	Variation of conditions 2 (Plans) and 3 (Materials) of PL/2026/01444 - Removal of Conservatory and Construction of Single Storey Extension to North-East Elevation
RECOMMENDATION:	That Planning Permission be GRANTED

PROPOSAL

This report considers a Section 73 application for the variation of conditions imposed on planning permission PL/2026/01444. The application relates to the site at 1 Millgreen Road, Amesbury, Salisbury, SP4 7RE, and seeks to vary conditions 2 and 3 only, in relation to the external materials used on the single storey rear extension previously granted planning permission. This variation seeks to change the previously approved materials from brick to match the existing dwelling to horizontal timber boarding.

SITE DESCRIPTION/CONTEXT

The application site comprises an end-of-terrace residential dwelling occupying a corner plot within an established residential area inside the settlement boundary of Amesbury. Under the Wiltshire Core Strategy, Amesbury is identified as a Market Town through Core Policies CP1 (Settlement Strategy), CP2 (Delivery Strategy) and CP4 (Spatial Strategy for the Amesbury Community Area). The site is surrounded by other residential properties, together with their associated amenity and parking spaces. A number of neighbouring dwellings have been extended or altered over time. This site was granted approval for a single storey side extension in 2020 which has been built out. Planning permission was also granted in May 2026 for a single storey rear extension, this being the permission that is sought to be varied in this S73 application.



Location of extension



RELEVANT PLANNING HISTORY

Proposal / Summary
20/01873/FUL - Full planning permission Decision - Approve with Conditions Date: 30/4/2020 – Proposed single storey extension
PL/2026/01444 - Householder planning permission Decision - Approve with Conditions Date: 1/5/2026 – Removal of Conservatory and Construction of Single Storey Extension to North-East Elevation

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 4: Amesbury Community Area
- Core Policy 57: Ensuring High Quality Design and Place Shaping

Supplementary Planning Documents:

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

Amesbury Town Council: Support – with the following text received:

‘Amesbury Town Council support this application.’

REPRESENTATIONS

No representations 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 conditions attached to the original planning permission.



Design and impact upon the character and context of the area

The accompanying planning statement states the desired change from brick to timber boarding is sought to reduce the weight of the rear extension, given its proximity to a public sewer in the rear garden of 1 Millgreen Road.

Only a partial glimpsed view of the extension will be possible from the public realm when heading south on Millgreen Road given the existing boundary treatments, reducing any design impact arising from a change of materials on the extension.

Matching brick was referenced in the original householder approval report as a welcome design choice given the extension would appear cohesively with the existing dwelling. The

introduction of timber cladding is a departure from this and introduces a contrasting material. However, the existing white UPVC conservatory on the dwelling, which is also present on many other dwellings in the vicinity, is also a contrasting material. Furthermore, the site is not within a conservation area nor in the vicinity of any heritage assets. All these factors considered the change of material to horizontal timber boarding is not deemed to result in a significant, harmful or detrimental impact to the appearance of the dwelling or the character of the area. The changes sought in this S73 application therefore comply with the design principles set out in Core Policy 57 of the Wiltshire Core Strategy and Appendix D of the Wiltshire Design Guide.



Amenity

Given this variation of condition does not increase the height, massing or footprint of extension no additional amenity impact arises from this S73 application. The variation of conditions seeks solely to change the approved external material used on the development permitted.

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 plans and elevations drawings submitted with this application which note the change in materials. Condition 3 has been updated to state the materials used in the development permitted shall be as stated in the approved document 'material details'.

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 conditions 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 1st May 2029.

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:

- Proposed plans and elevations – ref (2226-1-B) – date received: 26/05/2026
- Material details – date received: 22/06/2026

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 document 'material details' date received 22/06/2026.

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