

APPLICATION FOR VARIATION/REMOVAL OF CONDITION DELEGATED REPORT

APPLICATION REFERENCE:	PL/2026/04362
APPLICATION TYPE:	Removal/variation of conditions
SITE ADDRESS:	7 Sadlers Mead, Chippenham, SN15 3PA
DEVELOPMENT DESCRIPTION:	To Vary Condition 2 (Approved Plans) of Planning Permission PL/2025/05574 for extensions to side and rear, raising of the roof with adaptations to provide rooms in the roof space.
RECOMMENDATION:	Approve with Conditions

PROPOSAL

This report considers a Section 73 application for the variation of conditions imposed on planning permission PL/2025/05574. The application relates to the site at 7 Sadlers Mead in Chippenham and seeks to vary condition 2 in relation to the approved plans, to introduce a flat roof to the approved single storey rear extension, instead of the approved sloped/flat roof design, to make use of a render finish to the front of the property instead of retaining the existing reconstituted stone, along with the introduction of a flat roof door canopy above the front door on the principal elevation.

The submitted plans also appear to show the footprint of a sizeable shed in the rear garden, However, since that element was not described on the 2025 permission, it cannot be the subject of this application made under s73. For that reason an informative shall be placed on the decision notice to advise the applicant that it is their responsibility to ensure no breach of planning regulation will occur in the event such a garden building is erected.

SITE DESCRIPTION/CONTEXT

The property known as 7 Sadlers Mead is located within Chippenham, which is classed as a principal settlement. The property is situated within an established residential area, with this part of the Sadlers Mead development characterised predominantly by bungalows and chalet bungalows, many including gables or forward projecting gables to the front elevation similar to the host dwelling. There are also examples of two-storey dwellings further within the development as well as properties within close proximity which have benefitted from extensions and raising of the roofs to incorporate habitable rooms within the roof space. The property is a modest detached bungalow dwellinghouse of Bradstone construction with rendered side and rear walls, concrete roof tiles and white UPVC windows and doors. The property has a pitched roof with prominent front gable and features a chimney to the side elevation. The property also has an existing shallow hipped roof conservatory to the rear, constructed from a dwarf brick wall with glazing above. The immediate surrounding area

features properties with open frontages, set back from the road and incorporating off-road parking, whilst a mixture of materials have been used for their construction, including stone and render.

RELEVANT PLANNING HISTORY

Proposal / Summary
PL/2025/05574 - Householder planning permission Decision - Approve with Conditions Date: 18/11/2025 – Extensions to side and rear, raise roof with adaptations to provide rooms in roofspace
PL/2026/00302 - Householder planning permission Decision - Refuse Date: 9/3/2026 – Revisions to approved application PL/2025/05574 to add a single dormer window to the front roof slope and render existing reconstructed stone walls

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.

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.

When determining a Section 73 application, the Local Planning Authority must consider the development plan and all other material considerations at the time of determination. This includes considering whether any changes in planning policy, guidance, site circumstances, consultation responses or technical evidence affect the acceptability of the development as amended.

Though the development plan is considered as a whole, those parts deemed to be particularly relevant to this application are listed below:

Wiltshire Core Strategy (WCS)

- Core Policy 57: Ensuring High Quality Design and Place Shaping;

Chippenham Neighbourhood Plan 2023-2038

- No applicable policies

Supplementary Planning Documents and other Guidance

- Wiltshire Design Guide (adopted April 2024)

The National Planning Policy Framework (NPPF)

- Policy DP3: Key Principles for Well-Designed Places
- Policy DP4: The Design Process
- Policy P3: Living Conditions and Pollution

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

The views of consultees are material considerations in the determination of the application. However, the decision-maker must exercise their own planning judgement. Where consultees raise concerns or recommend conditions, these have been considered and are addressed within the assessment section of this report.

Chippenham Town Council: No objections –

No Objection.

It would be preferable for the front elevation not to be rendered, when the existing stone material has warmth and texture. White untextured render can appear cold and utilitarian and is generally not suited to this country's weather where it shows up dirt/is harder to maintain. If there is a strong desire for render, it is requested that a buff or cream coloured render be used instead of white.

REPRESENTATIONS

In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), the application was publicised by way of neighbour notification letters sent to adjoining and nearby properties

These methods were used to inform interested parties and provide a period of 21 days for comments to be submitted, however 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.

Whilst the proposed amendment forms the basis of this application, the Local Planning Authority must consider the acceptability of the development as amended and the planning impacts arising from the scheme as a whole.

Changes in Circumstances - Has anything changed since the original permission?

Since the grant of planning permission PL/2025/05574, consideration has been given to:

- Updates to national policy;
- Consultation responses;

It is concluded that these changes do not materially affect the acceptability of the amended development. The updated NPPF was launched in August 2026 and therefore consideration is required in relation to the policies and guidance within the revised document. In addition, Chippenham Town Council previously objected to the originally permitted scheme, therefore their comments on these variations are afforded further consideration.

Compliance with the Development Plan - Is the development as amended still acceptable?

Whilst no site visit was conducted at the application site, the Case Officer has visited on previous occasions and so has a clear understanding of the application site. Furthermore, sufficient photographs were taken of the application site for reference on these previous visits, and sufficient information has been submitted within this application to enable a thorough assessment of the proposal.

The application seeks permission to vary condition 2 of PL/2025/05574, which granted consent for extensions to the side and rear of the building, whilst also raising the roof with associated adaptations to enable the provision of rooms within the roof space. This application seeks to alter the proposed rear extension by substituting the consented hipped roof with a flat roof which still incorporates the roof lantern. In addition, instead of retaining the Bradstone bricks to the front principal elevation, it is proposed to finish the external walls in white render to match the side and rear elevations (and indeed to align with the consented finishing materials of the rear extension). Additionally, a flat roof canopy is proposed above the front door on the principal elevation.

The submitted plans confirm that the proposed footprint of the rear extension is not proposed to be altered or enlarged, nor would it be repositioned across the rear façade. In terms of scale and design, the removal of the hipped roof and replacement with the flat roof would not result in an overall raised roofline and as such, the proposal does not give rise to any unacceptable visual impact to the main dwelling and its plot, and would still remain broadly concealed from

view from the street scene given its restricted height. The incorporation of the flat roof is not considered to result in an unsympathetic or incongruous appearance, nor is it considered to appear out of keeping within the context of the site. The overall proportions of the rear extension would remain as per the previous approval under PL/2025/05574 and therefore would still remain subservient and proportionate to the property and its plot, helping to preserve and maintain the established character as a chalet bungalow.

The inclusion of the flat roof canopy is also not considered to result in unacceptable visual impact. It would be limited in scale and a modest addition which would be relatively discreet when viewed in the context of the site, and would not be considered a dominant feature to the principal elevation.

Turning to the alterations to the external materials, it is proposed to render the existing Bradstone to the front principal elevation. The rear extension consented under PL/2025/05744 permitted the rear extension to be finished in white render to align with the existing side and rear elevations of the property, with the principal elevation and gable remaining in Bradstone. This section of the Sadlers Mead residential development does have an overarching character which is apparent when viewed from within the local vernacular, with many of the chalet bungalows finished in or incorporating Bradstone, however there are examples sporadically throughout the development which have introduced render to external walls. For this reason, and whilst accepting the comments of the Town Council, the change to the frontage material is not out of character.

A recent planning application on this application site under PL/2026/00302 was refused by the LPA, which sought permission to make revisions to PL/2025/05574 to add a single dormer window to the front roof slope and render existing reconstructed stone walls. It was considered that the use of render across all external elevations, when considered collectively with the proposed external alterations, would have exacerbated the perception of a substantially remodelled and more visually discordant building within this locality. However, this refusal was appealed to the Planning Inspector and in their Appeal Decision, the Planning Inspector made reference to the external materials, determining that the use of render as a material finish would not appear out of place or discordant within this location.

The comments received from Chippenham Town Council in relation to white render appearing cold and utilitarian have been duly noted and considered. However collectively, given that the proposal broadly aligns with the previously granted permission under PL/2025/05574 (as opposed to the proposals submitted under PL/2026/00302), the examples of render within the surrounding area/wider locality within the Sadlers Mead development and the scale and built form of the main building, it is not considered that white render would appear incongruous or unsympathetic within this locality. Overall, the utilisation of render is still considered to enable the dwelling to effectively integrate within its surrounding and maintains visual continuity within the street scene and locality.

Therefore collectively, by reason of the scale, design, positioning and proposed materials, the proposed works are considered acceptable and would not result in unacceptable visual impact. The proposed works would integrate within the plot and wider streetscene and would not give rise to an incongruous or inappropriate form of boundary treatment within this location.

In addition, the impact of the development on residential amenity has already been assessed in the Case Officer Report for PL/2025/05574, where the potential impacts on residential amenity was assessed in relation to proposed rear extension. The alterations proposed in this application would not further impact the residential amenity of the surrounding properties than the existing approved arrangement. The proposed footprint of the rear extension would not be altered or extended from that which was previously consented, with no overall increase in height resulting from the proposed flat roof. Additionally, no additional fenestration is proposed and therefore it is considered that the proposed alteration would not result in unacceptable residential impact to the surrounding occupiers. Therefore, the proposal accords with Core Policy 57 of the WCS, the Chippenham and Wiltshire Design Guides and the relevant provisions within the NPPF.

Assessment of Conditions

The application seeks to vary condition 2 of PL/2025/05574 to allow for revised plans to alter the built form of the approved rear extension, to alter the external materials of the front elevation and to include a flat roof canopy above the front door on the principal elevation. No other conditions are affected by this proposed variation, and the proposal is considered acceptable.

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 2 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 expiration of three years from the date of this permission.

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:

381/RJM/2025/2 Rev 6 – Proposed Floor Plans, Elevations and Block Plan received
13.07.26

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