

APPLICATION FOR REMOVAL/VARIATION OF CONDITION OFFICER DELEGATED REPORT

APPLICATION REFERENCE:	PL/2026/04563
APPLICATION TYPE:	Removal/variation of condition (Section 73)
SITE ADDRESS:	Ashdown, 1 Charlton Road, Malmesbury, SN16 9JJ
DESCRIPTION:	Variation of condition 2 (approved plans) on PL/2025/04517 for change of external materials and change to roof shape
RECOMMENDATION:	APPROVE WITH CONDITIONS

PROPOSAL

The application is made under S73 of the Town and Country Planning Act 1990 to seek planning permission for development describe as and consisting of “Single storey rear extension to replace conservatory and regularisation of two-storey side extension and front porch” without compliance with Condition 2 subject to which planning permission was granted under reference PL/2025/07609.

Condition 2 required that the development be carried out in accordance with approved plans. This application is accompanied by a different set of plans with which it is sought to vary the requirements of the condition to allow the development to be carried out in accordance with the proposed plans.

The changes proposed to the approved scheme relate to changing the roof design of the single-storey rear extension to a flat roof and a change in external materials to the walls of the rear extension and regularised two-storey side extension to painted render (terracotta colour).

SITE DESCRIPTION

The application site is a detached two-storey dwelling known as Ashdown, 1 Charlton Road. It is of the inter-war period, has pebbledash render walls, with red brick details, and uPVC windows and doors, under an interlocking tile tented roof with front projecting gabled bay. It is set at the end of a row of dwellings, occupying a corner plot at the junction of Milbourne Lane with the B4040.

The area is characterised by a linear pattern of development, mostly of the inter-war period, set amongst rural surroundings. The site lies in open countryside half a kilometre between Malmesbury and Milbourne. It is accessed from Milbourne Lane, a C-classified highway subject to 30mph.

PLANNING HISTORY

PL/2025/04517 - Single storey rear extension to replace conservatory and regularisation of two-storey side extension and front porch (APPROVED WITH CONDITIONS 11/07/2025).

18/03991/FUL - Extension to House. Garden Studio. (Approve with Conditions 18/06/2018).

RELEVANT POLICIES AND GUIDANCE

Wiltshire Core Strategy (WCS):

- Core Policy 57: Ensuring High Quality Design and Place Shaping (CP57)
- Core Policy 64: Demand Management (CP64)

Saved policies of the North Wiltshire Local Plan 2011 (NWLP)

Malmesbury Neighbourhood Plan - Made 2015 (MNP)

- Volume I - Main Body: Policy 13
- Volume II – Design Guide

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide (NDG)

Wiltshire Design Guide SPD (WDG):

- Appendix D – Design Guidance for Householder extensions

CONSULTATION RESPONSES

The following consultees and interested parties were invited to comment on the application:

St Paul Malmesbury Without Parish Council – No objection, commenting that the extent of the flat roofs do not add positively to the aesthetics of the property (01/09/2026).

REPRESENTATIONS

Immediate neighbouring dwellings were notified of the application. No letters of representation were made by members of the public.

ASSESSMENT

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications be made in accordance with the development plan unless material considerations indicate otherwise.

Design and local character and appearance

Core Policy 57 of the Wiltshire Core Strategy (WCS) requires all new development, including extensions and alterations to existing buildings, to meet a high standard of design by, among

other things, ensuring a positive response to the features of the site itself and its landscape or townscape setting.

Policy 13 of the Malmesbury Neighbourhood Plan advises that the accompanying design guide (Volume II) should be taken into consideration to ensure all new development achieves a high quality of design that complements and enhances the character, form and qualities of the town.

Appendix D of the Wiltshire Design Guide (WDG) expects, amongst other things, that a well-designed householder development should be carefully considered to respect the original building and the neighbouring properties, by not dominating the existing building and appearing as a subservient, supporting addition, and fitting into the general street scene, which could be achieved by replicating the style, form, rhythm, materials and architectural detailing of the original house or by contrast with a modern or traditional aesthetic.

DP3 and 4 of the NPPF sets out principles for achieving well-designed places and advises that substantial weight should be given to compliance with relevant development plan policies when assessing design quality.

The change in roof form of the single-storey rear extension to a flat roof is a retrograde step compared with the approved design, but the extension is discretely sited to the rear elevation and the flat roof would respect the line of change in materials of the main dwellinghouse. Painted render in terracotta colour is anticipated to complement the brickwork of the existing house.

The two-storey side extension matches the approved form but its external materials would instead be painted render in terracotta colour. This would, of course, match the single-storey rear extension and is anticipated to complement the brickwork. Although design failings in the two-storey side extension were noted during consideration of the original permission, the effect of changing its materials as proposed would not cause unacceptable harm to the character and appearance of the area.

The Parish Council ultimately raise no objection but raise concerns regarding the cumulative impact of multiple flat roofs. While the concerns have some credence, for the reasons given, the effect of the proposed changes to the approved scheme would not cause unacceptable harm to the character or appearance of the area.

Varying Condition 2 to enable the development to be carried out in accordance with the submitted plans would ensure the development has an acceptable effect on the character and appearance of surrounding area. It would not conflict with Policy 13 of the MNP or CP57 of the WCS.

The development plan remains broadly aligned with the national guidance at DP3 and 4 of the NPPF in so far as it relates to achieving well-designed places and assessing design quality. Material considerations would not, therefore, lead to different conclusion.

Residential amenity

Core Policy 57 (vii) of the Wiltshire Core Strategy seeks to ensure that the design of new development has regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants and that appropriate levels of amenity are achievable within the development itself.

Appendix D of the Wiltshire Design Guide expects a well-designed householder development to respect neighbouring properties by advising, amongst other things, that they should not be unduly overbearing or unduly obtrusive, and that windows should not directly overlook neighbouring properties.

DP3 and 4 of the NPPF sets out principles for achieving well-designed places, including liveability by ensuring their function well over the lifetime of the development. P3 advises that developments should be appropriate for their location taking into account likely effects on living conditions from air, noise and light pollution, among other things.

The closest neighbouring dwellings to the application site are 2 Charlton Road (aka Felstead) and Garden Cottage.

Changing the roof form of the single-storey rear extension to a flat roof would reduce the massing and bulk of the extension in proximity of the boundary with No.2, which would be acceptable. Furthermore, as a single-storey extension, it would not introduce openings where these would cause overlooking.

Were the flat roof to be used as an outdoor amenity space, this would cause serious and unacceptable overlooking to the detriment of the privacy of neighbours. A condition should therefore be imposed to prevent such a use of roof space.

Changes to the materials of the rear and side extensions would not materially affect the amenities of neighbours.

Varying Condition 2 to enable the development to be carried out in accordance with the submitted plans would continue to ensure the development would not harm the living conditions enjoyed by occupants of the site itself or neighbouring land, particularly in terms of privacy, outlook, and overshadowing. It is necessary to restrict the use of the flat roof as an outdoor amenity area, subject to which the expectations of adopted design guidance and the aims of CP57 (vii) of the WCS would be met.

The development plan remains broadly aligned with the national guidance at DP3 and 4 and P3 of the NPPF, in so far as they are relevant to design and living conditions. Material considerations would not, therefore, lead to different conclusion.

Highway matters

The changes proposed do not materially change impacts in relation to highway safety, and the development would therefore remain acceptable with respect to such matters.

Biodiversity Net Gain (BNG)

The development is exempt from the requirement to deliver 10% BNG, introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021), and the decision notice shall include the relevant informative note.

PLANNING BALANCE AND CONCLUSION

Varying Condition 2 to enable the development to be carried out in accordance with the submitted plans would continue to ensure the development would, subject to the recommended conditions, have acceptable effects in respect of matters of acknowledged importance to the public interest. Furthermore, it would not conflict with the development plan, and other material considerations do not indicate that a decision should be made other than in accordance with the development plan. The statutory requirements have therefore been fulfilled, and the application should be supported.

RECOMMENDATION

That the application to vary Condition 2 of PL/2025/04517 be APPROVED and planning permission GRANTED subject to the following conditions:

Conditions:

1. The development hereby permitted shall be begun before the expiration of 11 July 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:

Location and Site Plans. 1. Received 21 July 2026.

Proposed elevations and floor plans. 3. Received 21 July 2026.

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

3. The flat roof area of the rear extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

REASON: In the interests of residential amenity and privacy.