

SPSO decision report

Case: 201104554, East Dunbartonshire Council
Sector: local government
Subject: handling of application (complaints by opponents)
Outcome: not upheld, no recommendations

Summary

Mrs C raised concerns about the council's handling of a planning application for an extension to her neighbour's house which was linked to her property. In particular, Mrs C maintained that the council had based their decision on incorrect information by assuming both properties had identical layouts, and had allowed the extension to extend down a shared boundary by more than four metres, which went against the council's local plan guidance note 7.

When we investigated the complaint we asked one of our planning advisers to provide advice on the way in which the council considered the application. In particular, we asked them to consider whether the evidence demonstrated that the council had complied with the local plan guidance note. After taking his advice, we did not uphold Mrs C's complaint. Our adviser was satisfied that the council had considered the relevant material considerations in deciding that the proposal was acceptable when assessed against the provision of the local plan guidance note 7. (A material consideration is a genuine planning consideration related to the purpose of planning legislation, which is to regulate the development and use of land in the public interest). While there had been errors in the planning report, these had no material effect on the final decision to grant planning consent. We found no evidence that there were procedural omissions in the handling of the planning application.