

Case: 201103358, Argyll and Bute Council
Sector: local government
Subject: handling of application (complaints by opponents)
Outcome: not upheld, no recommendations

Summary

The owners of three properties located next to another property with a large rear garden complained about a planning application. The properties are in a conservation area but are not listed as of historical or architectural interest. An application for planning consent was made to build a single house on a plot in the large rear garden.

The complainants objected, saying that this would dominate their rear garden area and have consequences for daylight, sunlight and privacy. The application, which was subsequently amended in the light of comments from council planning officers, attracted a large number of objections and other representations, including a representation from a local councillor (made in a private capacity). When the amended application was placed before the relevant committee, they decided to hold a hearing of parties and a site visit. The hearing was addressed by two of the complainants, and by other interested parties, and the application was given conditional approval.

The complainants alleged that the council did not take adequate steps to notify the councillor about the hearing and failed to ensure that the committee that determined the application was provided with adequate plans on the proposed development.

We did not uphold these complaints. We found that the councillor's name was missed from the list of objectors because of an oversight, but the evidence also suggested that the council took adequate steps to let him know about the hearing through the normal correspondence system for councillors. The complainants also said that a site location plan attached to the report to the committee did not show their rear garden arrangements. The council said that the site plan submitted by the applicants agents was based on the Ordnance Survey map of the area and was sufficient to validate the application and establish the proximity of neighbouring properties. The plan attached to the

report was purely designed to draw members' attention to the location, and was not required to show ownership boundaries in neighbouring properties. We took the view that the matter of the map provided was not one for which the council was responsible, noting that the committee was in any case able to view the site before coming to their decision.