

SPSO decision report

Case: 201200895, East Dunbartonshire Council
Sector: local government
Subject: handling of application (complaints by opponents)
Outcome: some upheld, recommendations

Summary

Mr and Mrs C complained about the council's handling of an application for planning consent for a two storey extension to the house next door. They alleged that the council failed to handle the planning application appropriately. They said that the planning officer wrongly calculated the overall size of the house next door in assessing the extension; their objections were not appropriately taken into account, particularly with regard to overshadowing and light restriction to their windows; granting consent with a specific finish could only be achieved by the neighbours accessing their property; and the council failed to take into account the future difficulty of maintaining Mr and Mrs C's property.

As part of our investigation we obtained independent advice from one of our planning advisers. We found that an error had indeed been made in failing to consider the earliest of several previous extensions to the property next door, which resulted in the wrong baseline being used to compare percentages. This did not, however, in the view of the planning adviser imply that consent had wrongly been granted. In general, appropriate consideration had been given to the council's supplementary planning guidance notes. We did not uphold the three other complaints. We noted that the applicant, as he was entitled to do, applied for consent to construct the extension up to the boundary but the council had, in granting consent, omitted to include a condition relating to a particular finish. We, therefore, made a recommendation about this.

Recommendations

We recommended that the council:

- consider the error which occurred in this instance with a view to ensuring that in future the full relevant planning history of a property is assessed in respect of planning applications for domestic extension; and
- explore the reasons why, when the local plan guidance generally requires that the materials and finish of an extension match the existing house, such a condition was not applied to the consent on the application.
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