SPSO decision report

SPSO Scottish Public Services Ombudsman

Case:	**201202580, North Lanarkshire Council**
Sector:	local government
Subject:	handling of application (complaints by opponents)
Outcome:	not upheld, recommendations

Summary

Mrs C raised a number of issues about the council's handling of a planning application to build a temporary building in the school next door. She said that they had not provided accurate information about the application, and that although she had been told that the structure would not be higher than her boundary wall, it turned out to be higher than it when built. She also said that the structure affected her privacy and the amount of daylight she received, and that the council had not addressed her concerns about what was being built, or about damage to the boundary wall and the impact on her property. Finally Mrs C said that the council had failed to address her concern that the local councillor was given conflicting information about an offer of compensation.

After taking advice from one of our planning advisers, we did not uphold Mrs C's complaints. Our investigation found no evidence that the council failed to follow the appropriate process to let neighbours know about the application, and there was no clear evidence about what they told Mrs C about the height of the structure relative to the boundary wall. We were also satisfied that the council had addressed her concerns about what was being built on site, although there was some uncertainty about whether the building had been built in accordance with the plans as far as the relative height to the wall was concerned. We were also satisfied that they had responded to Mrs C's concerns about the impact of the structure on her property, and about the boundary wall. The council had explained that the wall had been inspected. We found no evidence of conflicting information in relation to compensation.

Recommendations

We recommended that the council:

- draw this case to the attention of the officers involved, for them to consider whether any lessons can be learnt from the handling of this case.