

## SPSO decision report

**Case:** 201203267, East Renfrewshire Council

**Sector:** local government

**Subject:** subject unknown

**Outcome:** not upheld, recommendations

### Summary

Mrs C complained that the council failed to notify her when her neighbour applied for an amendment to planning permission for an extension. She also said that the council issued a completion certificate for the extension although the works were not completed, and had failed to rectify this. Mrs C also complained that the council delayed in investigating her complaint and did not investigate it properly.

Our investigation found that the council granted the original planning permission in 2010, and that they had already apologised to Mrs C for failing to notify her about this. We also found that the planning permission had never been amended and so there had not been any further fault in providing Mrs C with neighbour notification. The work that had not been completed in accordance with the approved plans was to paint the wall facing Mrs C's garden. We found that the building warrant granted for the works said that the wall was to be finished in render but, as the colour of the render was not relevant to the warrant, the fact that it was not painted did not impact on the granting of a completion certificate. The council had in fact tried to negotiate with Mrs C's neighbour to have her paint the wall, and although she had said she would do so, this had not yet happened. Any formal action (enforcement) is a matter for the council's discretion. The council had decided, as they were entitled to do, that they could not justify taking formal action to enforce a colour change on a wall that was not open to public view, so we did not criticise their actions on this. We did, however, make recommendations about their notification process and about how they take the matter forward.

We found that there was a slight delay by the council in responding to the complaint, but that they had already explained the reason for this and apologised to Mrs C. We did not find any other faults in their complaints handling.

### Recommendations

We recommended that the council:

- review their neighbour notification process to ensure it is robust and ensures relevant neighbours are notified of planning applications; and
- continue their efforts to have Mrs C's neighbour comply with the approved plans.