

SPSO decision report

Case: 201305119, Perth and Kinross Council
Sector: local government
Subject: handling of application (complaints by opponents)
Outcome: not upheld, recommendations

Summary

Mrs C complained about the way the council handled a planning application for an extension to the property next to hers. She said that the site visit was inadequate, and the plans and report inaccurate as they said her property was north, rather than west, of the proposed development. She said that this meant the council could not have taken full account of the impact of the proposed extension on the daylight and sunlight to her home. She also said that they had not taken account of guidance about overshadowing and loss of outlook, as there was no evidence that they had made full calculations of the proposal, as set out in that guidance. She also said that she was told that her complaint would be investigated independently, but the response came from the planning department, which she did not consider sufficiently independent.

We reviewed the information from Mrs C and from the council, and took independent advice from our planning adviser. Our adviser said that the site visit was sufficient to establish the impact of the proposed extension on Mrs C's property, and provided enough information to decide the application. The plans were also sufficient for the council to have assessed the impact on the amenity of Mrs C's property, including the daylight calculations specified in guidance. He was critical that the council did not provide evidence of these calculations but, based on the planning report, he considered that they were assessed as part of the planning decision. On the basis of this advice, we were satisfied that the planning application was handled appropriately, although we did make recommendations.

We also considered the communication that Mrs C had with the council, including an acknowledgement of her complaint and their final response. The council's procedure did not specify who should respond to a complaint, and there was no evidence of Mrs C being told who would do so. We considered that it was appropriate, and in line with policy, for the council's response to come from the department involved, and that an independent view on the complaint was best achieved through coming to us. We were, therefore, satisfied that the council handled Mrs C's complaint appropriately.

Recommendations

We recommended that the council:

- review the information on 'loss of outlook' provided to the public, including on their website, to ensure that it gives a clear explanation; and
- remind staff of the importance of keeping records of all calculations undertaken during the assessment of a planning application.