

SPSO decision report

Case: 201305445, North Lanarkshire Council
Sector: local government
Subject: advertisement of proposals: notification and hearing of objections
Outcome: some upheld, action taken by body to remedy, no recommendations

Summary

Mrs C raised a number of issues about the council's handling of a planning application to build a commercial retail development on a site close to her property. She complained that the council had not sent her any neighbour notification of this, and so she was unable to object to the application. She also complained that when assessing the application the council failed to give proper consideration to the close proximity of the building to her property and that the surrounding fence added extra height, cutting off light into her garden. Finally, Mrs C was aggrieved that her address had been identified as the planning site and complained that the council had allowed the developer to attach a fence to the boundary wall, which she believed belonged to her.

During our investigation we took advice from one of our planning advisers. Our investigation found that the council accepted that, by mistake, Mrs C had not been neighbour notified. However, they had investigated how the error occurred, apologised to Mrs C and taken action to ensure that her property would be notified in future, so we did not need to make a recommendation. We were also satisfied that, while the development was close to Mrs C's property there were no significant daylight/sunlight issues, and the fence that was erected independently of the boundary wall would not have a significant impact on residential properties in terms of daylight/sunlight. We found no evidence that the council gave permission for the fence to be attached to the boundary wall and when the unauthorised fence was brought to their attention, they took action to ensure that it complied with the approved plans.