

SPSO decision report

Case: 201403546, Fife Council
Sector: local government
Subject: handling of application (complaints by opponents)
Outcome: not upheld, recommendations

Summary

Mr C complained about the council's handling of a planning application for an extension to a neighbouring property. He was concerned that, having received notification of the approval of the planning consent, he discovered that the original plans for the extension had been amended. The plans now included what he considered to be two non-compliant windows (in terms of the separation between the windows) on the front of the extension. Mr C was aggrieved that he had received no notification about this amendment. He also disagreed with the council's decision to accept obscure glazing for these two windows to reduce an element of overlooking. Mr C also still thought that the approved proposal included what he considered to be another non-compliant window in terms of window separation. This window was on the side of the extension. Mr C complained that the extension would result in an unacceptable loss of privacy and amenity (enjoyment of property or surroundings).

During our investigation we took independent advice from one of our planning advisers. We found that the role of the council's guidelines was one of guidance, and that all proposals were different and required to be assessed based on their own individual merits and the local context. We were satisfied that the council had addressed Mr C's concern about the issues he had raised, in particular in relation to the amendment that was made to the proposal to include two obscure glazed windows on the front of the extension, and the separation distance of the window on the side of the extension. We did not find that the decision taken by the council to accept the two obscure glazed windows was unreasonable and we were satisfied that it was for the council, as planning authority, to decide what notice to give other parties of such a variation. We were also satisfied that the council had explained that the side window on the extension did not cause a window-to-window distance issue and that their decision to accept clear glazing on this window was not unreasonable.

We were satisfied that, based on the available evidence, material considerations of 'overlooking' and 'residential privacy' had been dealt with in a manner which was not unreasonable. While we found that it had not been helpful that the report prepared by the council on the planning application had not included basic dimensions relating to window-to-window distances, in the absence of evidence of procedural omissions by the council in their handling of the application we did not uphold the complaint.

Recommendations

We recommended that the council:

- ensure that the comments of our adviser in relation to the omission of dimensions relating to window-to-window distances in the report of handling, and the availability of detailed calculations and diagrams for public inspection, be brought to the attention of relevant staff.