

SPSO decision report

Case: 201405886, Argyll and Bute Council
Sector: local government
Subject: handling of application (complaints by opponents)
Outcome: not upheld, no recommendations

Summary

Mr C complained to our office about the council's actions when considering a number of amendments to a planning application for a house being constructed near to his home. He was unhappy that the council had granted planning consent for changes to the building which required a significant amount of under-building, below ground level, which he felt was contrary to the local development plan and which he said had been refused for a neighbouring property. He was also unhappy that the council considered changes to the dimensions of the proposed building, which required an increase in under-building, as a non-material variation rather than as a full planning application.

Although we did not review the original planning consents for this building as they were granted some years ago, and before Mr C purchased his property, we did review the recent planning applications and non-material variations considered by the council. We reviewed the application which considered the installation of a retaining wall resulting in a large area of exposed concrete, making the construction significantly more visible from Mr C's property, and we also took independent advice from our planning adviser. From our review we were satisfied that the planning officer properly detailed the impact of this proposal in his report, noted the relevant development plan policies which were relevant in this case and provided details of his assessment of the application. We also noted that the officer had recommended that conditions be imposed in order to mitigate against the impact of this large area of wall, including raising of the ground level, tree planting and stone cladding. We also noted that each of the non-material variations to the original planning consent were for minor amendments which did not raise additional material planning issues. As a result of this, we were satisfied that the council had taken appropriate steps to assess the application as presented to them and had properly considered minor amendments to the original application as non-material amendments. As we did not find evidence of administrative failure in the way the council dealt with these matters, we did not uphold Mr C's complaints.