

SPSO decision report

Case: 201502101, Dumfries and Galloway Council
Sector: local government
Subject: handling of application (complaints by opponents)
Outcome: not upheld, no recommendations

Summary

Mr C complained that in considering a planning application to extend the house next to his, the council failed to carry out what he considered to be a reasonable assessment of the privacy, daylight and amenity (enjoyment of property or surroundings) to his home. He said that the developer should have been required to submit plans which clearly showed the proximity and impact of the proposals on his home. He also felt that the application had not been assessed against the relevant planning policies.

We took independent advice from a planning adviser. We found that, while it may have been preferable for the drawings accompanying and supporting the application to have also shown neighbouring properties in outline, this was offset by the fact that council officers had made a site visit. We also found that, although Mr C said the council failed to follow their own guidance, there was no relevant guidance in place at the time. New guidance was in draft and was only published on the day that planning permission was formally granted. For these reasons, we did not uphold the complaint.