

SPSO decision report

Case: 201102614, Dundee City Council
Sector: local government
Subject: handling of application (complaints by opponents)
Outcome: not upheld, no recommendations

Summary

Mrs C complained about a housing development next to her home. She was concerned that the council had not considered the loss to her amenity when granting planning consent for this development. She also complained that the council failed to notify neighbours individually, as they were required to do. As a result, Mrs C felt her right to object was removed.

When Mrs C complained formally to the council, the Director of Development Services explained that had she objected, he would have reached the same decision. Mrs C she felt that this statement undermined her statutory right as an objector.

As we had already upheld a complaint about the lack of neighbour notification from another resident, we did not look into this issue. We found evidence from the council's planning report that officers had considered the issue of amenity of neighbouring residents and we did not uphold this aspect of the complaint. We also found that the statement from the Director was reasonable as the council had considered relevant 'material' facts in planning terms. As a result we did not uphold this part of the complaint.