

## SPSO decision report

**Case:** 201403846, The Moray Council  
**Sector:** local government  
**Subject:** handling of application (complaints by opponents)  
**Outcome:** not upheld, no recommendations

### Summary

Mr C complained about a staircase that his neighbour erected near their mutual property boundary. He said that the original plans showed a staircase at the other end of the building, to which he did not object. Mr C told us that he now feels that he has no privacy because, although there is a high wall between him and his neighbour, his neighbour was allowed to build above it.

We took independent advice from one of our planning advisers who found no concerns about the original decision, or the decision to treat this change as a non-material variation to the plans. We explained to Mr C that planning authorities make decisions on a wide range of planning matters, and have the right to decide on all of these by exercising their discretion. Our role is to consider the council's handling of the matter. In this case we found no evidence of maladministration or service failure on the part of the council, and we did not uphold the complaint.