

## SPSO decision report

**Case:** 201508904, East Dunbartonshire Council  
**Sector:** local government  
**Subject:** handling of application (complaints by opponents)  
**Outcome:** not upheld, no recommendations

### Summary

Mr C complained about the council's actions in relation to planning issues for a development next to his home. He said that they had unreasonably considered the addition of an extra upper storey window in one of the houses in the development to be a non-material variation (a change which does not require planning permission). We took independent planning advice on Mr C's complaint. We found that the council had been entitled to consider that the additional window was a non-material variation and did not uphold the complaint.

Mr C also complained that the council had found that a condition in the planning permission relating to the boundary at the site had been met, despite the fact that the fence built by the developer was constructed two metres short of the boundary and left several trees on Mr C's side of the fence. We found that it had been reasonable for the council to decide that the developer had complied with the terms of the planning permission in relation to the boundary. We did not uphold this complaint.

Mr C also complained that the council had failed to ensure that adequate on-site parking provision for workers was provided during the construction period. We found that the council's actions in relation to this matter, including their decision to take advice from their roads service, had been reasonable and we did not uphold the complaint.

Finally, Mr C complained that the council had failed to ensure that works did not take place at the development site outwith the construction periods referred to in one of the conditions of the planning permission. We found evidence that the council had adequately monitored the situation, including issuing reminders prior to bank holidays. We considered that the council had taken reasonable action to ensure that works did not take place outwith the construction period and we did not uphold this complaint.