

SPSO decision report

Case: 201700906, Glasgow City Council
Sector: local government
Subject: unauthorised developments: enforcement action/stop and discontinuation notices
Decision: some upheld, recommendations

Summary

Mr C complained that the council failed to take enforcement action about a neighbour's replacement UPVC windows, which were a breach of planning control. He also complained that the council had failed to take action about the amenity of the same property, due to construction works at the property. Mr C was also unhappy with how his complaint was handled. In particular, he did not feel all the information he provided was fully considered by the council before they responded to his complaint.

The council said that the initial concerns raised about the replacement UPVC windows were not submitted through the appropriate enforcement complaint process. Therefore, they were not investigated as a breach of planning control at that time. The council said that they had investigated Mr C's concerns about the condition of the site but did not consider that there was a level of harm to amenity to justify taking formal action. Mr C was unhappy with this response and brought his complaint to us.

We took independent advice from a planning adviser. The planning adviser considered that the council should have investigated the replacement UPVC windows as a breach of planning control, even though it was not raised through their enforcement complaint process. Therefore, we upheld this aspect of Mr C's complaint.

In relation to the amenity of the property, we found that the council had taken reasonable steps to investigate the complaint about the condition of the site and to assess the harm caused to amenity. Therefore, we did not uphold this aspect of Mr C's complaint.

Finally, we did not uphold Mr C's concern about the council's complaints handling, as we considered that they had taken reasonable steps to address his concerns.

Recommendations

What we asked the organisation to do in this case:

- Apologise to Mr C for not investigating the breach of planning control. The apology should meet the standards set out in the SPSO guidelines on apology available at: <https://www.spsso.org.uk/leaflets-and-guidance>.

What we said should change to put things right in future:

- Allegations of a breach of planning control should always be properly recorded and investigated, in line with the relevant planning guidance.

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.