



Section K

Planning

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K1: Advice

Advice to planning applicant – failure to tell applicant about relevant policy

Mr and Mrs Wherry complained that a council gave them inadequate advice when they were considering the submission of a planning application.

What happened

1. Mr and Mrs Wherry owned a public house in the council's area. Trade was declining and they considered that they needed to cease trading. As they lived in the premises and wished to convert the trade areas to residential use, planning permission was needed.
2. Mr Wherry spoke to a planning officer twice and met her once. He says she did not make him aware of a relevant local plan policy. This was despite the fact that he explained what application he had in mind and asked the officer whether there were any policies which would affect the application.
3. The policy in the local plan provided that proposals for the change of use of a public house would not be permitted unless it could be demonstrated that all reasonable efforts had been made to sell or let the property as a public house at a realistic price.
4. Mr Wherry said that, if that policy had been made known to him, he would not have pursued the application at the time.
5. Mr and Mrs Wherry made the application. This was advertised and caused a great deal of controversy in the area. There was a campaign to save the public house and Mr and Mrs Wherry were the subject of considerable local animosity.
6. There were many letters of objection. As a result, Mr Wherry met the case planning officer. He was then given a copy of the council's policy and it was at that point that he realised that his application could not succeed. The application was refused.

The Ombudsman's view

7. The Ombudsman noted that Mr Wherry entered into discussions with the council about his application before he submitted it. The Ombudsman said Mr Wherry was entitled to expect that, if there were matters material to his application which meant it was unlikely to succeed, he should be told of them.
8. There were no written records of the telephone calls or of the meeting. Having considered the comments and recollection of the parties, the Ombudsman took the view on balance that Mr Wherry was not told of the policy in terms which were clear enough for him to understand its implications, if at all. That was maladministration.

Injustice

9. Mr and Mrs Wherry sustained considerable anxiety and distress. They were faced with local animosity.
10. It was true that the animosity would have occurred at some stage. But Mr and Mrs Wherry had to suffer this for much longer than should have been the case. It was trade practice that properties were marketed without specifically naming the village in which the premises

were situated. If Mr and Mrs Wherry had been properly advised by the council, they could have carried out the marketing exercise before making the application, rather than having to do it afterwards and then submit a second application.

Remedy

11. The Ombudsman recommended the council to make an *ex gratia* payment of £1,000.

(Report 01/B/14450)

K2: Enforcement

Unauthorised extension – delay by council

Ms X complained that a council did not take appropriate and timely enforcement action against an unauthorised extension in her neighbour's rear yard.

The circumstances

1. The extension was directly in front of Ms X's front door and her living room, kitchen and study windows. The extension was built right up to the boundary of the neighbour's property, only separated from the front of Ms X's property by a narrow path. Access to the extension was from that path and it was used as an access for the property business the neighbour set up in the extension. The extension was built without planning permission.

for a smaller building. The Ombudsman said the council allowed the problem to drag on without taking a decision on how to deal with it. It was debatable whether, without Ms X's tenacity in pursuing her complaint, the unauthorised extension would have been removed.

3. The Ombudsman also found that the council failed to keep Ms X properly informed of its progress in dealing with her complaint; and there was a lack of effective liaison between the planning department and the legal services department in deciding on the appropriate course of action for the council to take.

4. The Ombudsman recommended the council to pay Ms X £800 and reimburse the legal fees she reasonably incurred.

The Ombudsman's view

2. The Ombudsman found that it was more than three years after Ms X complained to the council that the extension was reduced in size to comply with a retrospective planning permission given

(Report 01/A/11424)

K3: Enforcement

Conservation area – breach of condition – consideration of options – defective report – procedures

Mr and Mrs Ash complained that a council did not take enforcement action in connection with the breach of a planning condition relating to the building of a two-storey extension to a house next door to theirs in a conservation area.

What happened

1. The house next door to Mr and Mrs Ash was owned by Mr D. He secured planning permission to build a two-storey rear extension, conservatory and garage. The permission was given subject to a condition requiring the use of materials samples of which had been submitted to and approved by the council prior to commencement of the development.
2. Mr D did not comply with the condition. He did not submit samples of proposed material. He used bricks which did not match the brickwork of the existing house.
3. A planning officer visited the site and advised Mr D to stop work. Mr D did not do so.
4. The council's planning committee considered a report. The committee decided not to take enforcement action.

The Ombudsman's view

5. The Ombudsman said it was plain that there was a significant breach of planning control within a conservation area. She had serious reservations about how the council approached its task in a context where it had a clear duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. The

council also had a policy to require materials which harmonised with an existing dwelling and its surroundings.

Report

6. The Ombudsman was concerned that the report to the planning committee did not mention the relevant policies. She commented:

"The details of policies are important and it is simply unrealistic to assume that members have these at their fingertips."
7. The failure was even worse because the council, in fact, had a policy which required such information to be included in reports.
8. The report included information which was incorrect. Also, the Ombudsman was concerned that no consideration was given, or mentioned in the report, to the possibility of using a stop notice or a breach of condition notice.

Site visit

9. The committee did not make a site visit. In this case the Ombudsman said that was maladministration because the need for a site visit was sufficiently clear at the outset, and the council's own code of practice implied that site visits should take place where a proposal was contentious.
10. On the evidence available from the comments of committee members, it seemed to the Ombudsman that, if a site visit had taken place, enforcement action would have followed.

Warning

11. The council wrote to Mr D to say that the kind of action he had taken would not be tolerated in future but would be allowed in this case. The Ombudsman said that was absurd. If such action would merit enforcement in the future then it did so in this instance. This, the Ombudsman commented, was woolly thinking leading to unsustainable conclusions.

Procedures

12. The council did not have a policy or a procedure note for officers about taking enforcement action when there was a breach of planning control. The Ombudsman suggested that such guidance should be produced.

13. The Ombudsman also suggested that it would be useful to have an arrangement that the planning section should notify the building control section when permission was given with planning conditions requiring some form of extra approval before development could start; and that the building control section should then notify the planning section of the start of construction.

Outcome

14. The Ombudsman suggested that the council should explore whether Mr D would be willing to effect changes. If so, the council should in addition pay Mr and Mrs Ash £250 in respect of their time and trouble in pursuing the complaint. But if no practical remedy was possible, then the council should pay £1,000 in total.

(Report 01/C/14392)

K4: Enforcement

Outsourced service – provision inadequate

Mr Beech complained that a council failed to take enforcement action over a breach of the planning conditions relating to a neighbouring takeaway and land to the rear of his property.

Complaints

1. Mr Beech lived in a flat above a parade of shops. Two doors away there was a shop which sold takeaway food. At the rear of the flat was an area of land used to store heavy goods vehicles. Mr Beech complained that:
 - the ventilation duct of the takeaway was noisy and did not comply with the design approved by the council;
 - the takeaway was subject to a condition to close at 11pm, but routinely opened after that time and he was disturbed by the noise; and
 - the land to the rear of his property was used to store heavy goods vehicles which woke him by starting up early in the morning.

Enforcement arrangements

2. The council had arranged for its enforcement function to be outsourced. A consultant provided approximately two-and-a-half days work per week.

Ventilation duct

3. The Ombudsman found significant delays in the way this complaint was dealt with. When the council had the information it needed to serve a requisition for information on the owner of the premises, there was a delay of over three months before that was done.

After that it took two months to prepare and serve a breach of condition notice.

4. The Ombudsman accepted that the noise from the duct did not amount to a statutory nuisance when assessed from Mr Beech's property. So Mr Beech did not suffer a significant injustice.

Land to the rear

5. The Ombudsman accepted that the land to the rear of Mr Beech's property had a complex planning history. The council had taken counsel's opinion. This advised that there was no basis on which to take enforcement action under planning legislation.

Opening hours

6. The Ombudsman found that that this complaint was never investigated properly. There was no evidence that the consultant visited the premises late at night, or that any of the neighbours were asked to provide information about late opening and the nuisance it caused. The consultant said that the hours he was contracted to work for the council did not allow for out-of-hours working.
7. A senior licensing officer provided information which demonstrated a repeated breach of the hours of operation, but the consultant made no use of it. The inadequacy of the investigation was maladministration by the council.
8. On this point the Ombudsman considered that Mr Beech suffered a significant injustice. The purpose of the hours condition was to minimise the likelihood of late night noise and other nuisance outside the takeaway. The

breach of the condition did generate noise and other nuisance, which caused Mr Beech an injustice.

Arrangements

9. The Ombudsman commented:

“My report on this complaint identifies a clear failure to provide an adequate enforcement service on the part of the council. It is not my role to advise the council whether to deliver the service in house or through an outside consultant. But the problems here appear to have arisen largely because the council has failed to devote sufficient resources to the investigation of breaches of planning control.”

10. The Ombudsman also criticised the lack of communication. The council had an enforcement charter which required it, or its consultant, to let complainants know what action was being taken on their complaints. Communication with Mr Beech was sporadic and infrequent. The failure to deliver on the promise in the charter was maladministration.

Outcome

11. The Ombudsman recommended that the council should:

- review the way in which it delivered its enforcement service, and the resources it devoted to it, in order to meet the terms of its enforcement charter;
- monitor the situation at the takeaway to ensure compliance with planning conditions;
- assess whether the noise from heavy goods vehicle movements on the land at the rear of Mr Beech’s property amounted to a statutory nuisance and, if it did, take appropriate action; and
- pay Mr Beech £750 compensation.

(Report 01/B/16461)

K5: Enforcement

Planning conditions – council contractors – complaints procedure

Mrs X complained that a council did not take reasonable steps to control the activities of its contractors in extending and renovating a residential care home owned by the council.

Complaints

1. Mrs X made many complaints over a period of some nine months while the work was in progress. She complained about:
 - lorries blocking her drive so that she could not get out and therefore missed appointments, and on one occasion visitors to the house were unable to get out;
 - contractors working outside the hours authorised by the planning permission, including early morning, Saturday afternoon, Sundays and a Bank Holiday;
 - dangerous parking on the highway by contractors' vehicles; and
 - disturbance by loud music coming from the site.

Investigation

2. The council said it held regular meetings with the contractor to discuss issues and identify any problems. But the Ombudsman found there were no records of what was discussed or what action was agreed. In view of the numerous specific complaints from Mrs X and her supporting photographic evidence, it was reasonable to have expected the council to take matters up formally with the contractors. The informal meetings did not prevent regular recurrences of the problems.

3. The council had not placed planning restrictions on unloading on the highway because it considered that the site was large enough to incorporate loading and unloading within the site itself. Yet Mrs X complained there was unloading on the street because the site entrance was obstructed with building materials. She produced photographs to show this. The Ombudsman found no records to show that the council ever asked the contractors to clear those materials to facilitate unloading within the site.
4. The council did not refer Mrs X's complaint about loud music to its environmental health department for investigation.
5. The Ombudsman found that the council did not take reasonable steps to investigate Mrs X's frequent complaints about out-of-hours working. It was seven months before a council officer wrote to the contractors to convey the allegation that a planning condition was being breached. The council did not follow this up. The council said its officers monitored the site out of hours, but there were no records of when those visits were made or what evidence was seen.

Complaints procedure

6. The Ombudsman criticised the way Mrs X's complaints were dealt with under the council's complaints procedure:
 - there were delays beyond the published response times; and
 - the complaints procedure was not properly followed and there were several occasions when officers failed to pass letters of complaint to appropriate senior officers for review at the next stage.

Outcome

7. The Ombudsman recognised the considerable annoyance caused to Mrs X and her family. Also she was put to an extraordinary amount of trouble in pursuing her concerns and suffered distress.
8. At the Ombudsman's suggestion, the council agreed to pay £500 compensation to Mrs X. After consultations within the local community she spent the money on planting on the verges around the residential care home.

(Local settlement 01/A/1226)

K6: General development order

Telecommunications mast – time limit under general development order – deadline missed – new procedures

Mr Llewelyn complained on behalf of himself and six neighbours that a council failed to notify a telecommunications company, within the necessary time limit, of the council's refusal of approval for siting and design of a telecommunications mast near their properties. As a result, planning permission was granted by default.

Legal position

1. A mobile phone operator who wished to construct a telecommunications mast up to 15 metres in height had to apply to the council for prior approval for its siting and design. At the relevant time, under the General Development Order, the council had 42 days to grant or withhold prior approval. If the council withheld permission the operator had a right of appeal to the relevant Secretary of State. If the council failed to make and issue a decision within 42 days, the operator automatically had permission.

What happened

2. A telecommunications company applied for approval for siting and design of a mast. The site lay in the green belt, was in an area designated as of high landscape value, and was on the edge of a conservation area.

3. The council decided to refuse the application. But the applicant was not notified before the expiry of the 42-day period. So the company had deemed consent.

Procedures

4. Some nine months earlier there had been a similar incident. That had had a high profile both within the council and

outside it, and administrative changes were made specifically to prevent a recurrence. But those changes were not effective.

5. The Ombudsman found it incredible that the council did not include an adequate monitoring system in the new arrangements. If a proper checking system had been in place, the problem would not have recurred.

6. As a result of this second incident, the council set up a check card system whereby the progress of all applications would be monitored by two officers not involved in the direct process.

Outcome

7. Having studied decisions on previous appeals, the Ombudsman considered it likely that the council would have won an appeal against refusal of permission in this case. But it was likely that the company would have made an alternative application for a mast 10m to the west and that this would have been approved. The alternative siting would have increased the degree to which the mast was screened by woodland.

8. The Ombudsman recommended, as a remedy for the injustice caused to the complainants, that the council should either pay for the mast to be moved 10m to the west, or pay compensation equivalent to any loss of value to the properties of the complainants.

9. The council agreed to this suggestion and the Ombudsman commended the council for its positive response. The outcome was that the mast was moved to the alternative site.

(Report 01/C/12536)

K7: Grant of permission

Inadequate consideration – failure to consider neighbour’s amenity

Mrs X complained about the way a council considered an application for permission to develop a neighbouring site.

Mrs X said that she and her neighbours did not receive them. The council said it decided to display a site notice for the amended application, but it was not able to confirm that this was in fact done.

What happened

1. Mrs X said the council failed to notify her of revised plans for a neighbouring building and did not take adequate account of her amenity.
2. Mrs X was an owner occupier who lived about five metres away from the application site. The application was for the redevelopment of a commercial site into flats. When she learned about the application, Mrs X asked the planning department a number of questions, which she says were not answered. She did not make any objection to the application. That was because the part of the development next to her house would be two-storey with a rear garden.
3. But when work started on the development, Mrs X noticed that the building appeared to be quite different. The rear garden had been replaced by a three-storey section of the development and Mrs X’s property would be enclosed by a 10-metre wall, which would be over-dominant and enclose her property. She contacted the council to complain about the development and asked why she had not been told about it.

6. The case officer for the original application, Officer A, would normally have dealt with the amendment. But, because of other commitments, Officer A handed it over to a colleague, Officer B. The council accepted that Officer B was inadequately briefed about the extra bulk of the building on the boundary with Mrs X’s property. Officer B understood that the amendment had already been assessed and that the scheme was acceptable, and so did not investigate the proposal further.
7. Officer B wrote an assessment recommending approval of the amended scheme. The council told the Ombudsman that it accepted that the assessment did not address the impact of the development on Mrs X’s amenity. It agreed that, if this error had been noticed, the amended proposal would have been refused. The council also agreed that it could have dealt with Mrs X’s concerns better once she had complained.

What the Ombudsman found

Outcome

4. The council said that, after it had granted planning permission, it received an application for an amendment to the scheme. At that point, things started to go wrong.
5. The council said it sent notification letters to Mrs X and her neighbours.

8. The Ombudsman asked the council to engage the district valuer to give a valuation of Mrs X’s house as it was, and a valuation as it would have been if the neighbouring site had been redeveloped as originally approved. There was a difference between the two valuations of £10,000.
9. The council agreed to pay Mrs X this sum, together with a small payment to compensate her for her time and trouble in pursuing the complaint.

(Local settlement 02/B/5920)

K8: Grant of permission

Amenity of neighbours – insufficient attention given

Mr and Mrs Abbott complained about the way a council gave planning permission for a development on a site adjacent to their home.

The development

1. Mr and Mrs Abbott lived in Abbey Cottage. The proposal was for the demolition of a large house on the next plot and replacement by a purpose-built block of flats. The council gave permission and the block of flats was built.
2. The flats dominated Mr and Mrs Abbott's home. The end wall was some 1.5 metres from the rear wall of Abbey Cottage. The floor level of the block of flats was almost one storey higher than that of Abbey Cottage. The flats were three storeys high with accommodation in the roof space. There were windows directly overlooking Mr and Mrs Abbott's garden. Mr and Mrs Abbott said the new building had adversely affected their privacy and amenity, and reduced the value of their home.

Consideration of proposal

3. The Ombudsman found that the council quite correctly publicised the application. Mr and Mrs Abbott had the opportunity to object, but they did not see the site notice or the press advertisement. Nevertheless, the council's officers had a duty to assess the impact of the new development and to ensure that all material planning considerations were taken into account.

4. The council accepted that the relationship between the new flats and Abbey Cottage should have been more closely addressed.
5. The committee report did not mention Abbey Cottage, the respective levels of the sites or the proximity of the development to the boundary.
6. When interviewed by the Ombudsman's investigator, the chairman of the planning committee said that this was one of the worst planning decisions he had seen.
7. The Ombudsman thought that, if the application had been properly considered, the planning committee would probably have asked the planning officers to negotiate amendments to the scheme to lessen its impact on Abbey Cottage.

Outcome

8. The council agreed to commission an independent valuation of Abbey Cottage with the development as built, and as it would have been if the development had been approved with reasonable distance separation, minimised overlooking and a much reduced degree of overbearing. This comparison showed a difference of £37,500. The council agreed to pay that sum to Mr and Mrs Abbott, together with a payment of £250 to reflect their time and trouble in pursuing the complaint.

(Report 01/B/14467)

K9: Grant of permission

Site levels – recording of site visit – committee report

Three households complained about the way a council considered an application for planning permission for a residential development on land behind their homes.

Site levels

1. The application site was sloping. When considering an application for residential development, the council did not have appropriate regard to the difference in levels between the development site and existing properties. The council failed to agree 'before and after' ground levels with the developer.
2. Following the development, the site was approximately three metres higher than the land on which the complainants' properties stood. As a consequence, the patios at the rear of the new properties were level with the complainants' first floor bedroom windows. Their homes were overlooked, and they said there was no privacy in the rear rooms of their homes or in their gardens.
3. The Ombudsman found that a senior building surveyor had advised planning officers from the start that this was a sloping site, higher than neighbouring land, where levels should be established as part of the approval process. But his warnings were ignored without good reason, and that was maladministration. It led to planning permission being given without the ability to ascertain the level of the existing site, and without the capacity to control the level of the houses when built.

Other faults

4. The Ombudsman found that the planning officer's site visit was not recorded. It appeared that this was not unusual. Staff

were required to visit application sites as a matter of routine, but there was no formal site visit recording procedure and any records that were kept were the result of the way individual officers worked. The Ombudsman recommended that the council should review its planning administration to require all site visits by planning officers to be properly recorded.

5. The Ombudsman found no evidence that neighbouring amenity was considered at all when the application was reported to committee and approval recommended. The report did not include any guidance for committee members on the topography of the site, the relationship of the site to existing residential dwellings or issues relating to the impact on the amenity of surrounding dwellings. The Ombudsman said this failure was lamentable and was maladministration.
6. The Ombudsman also found that the council failed to enforce a condition of the approval.

Outcome

7. The Ombudsman recommended that the council should:
 - pay each of the households £500;
 - commission an independent survey to ascertain as far as possible how much the land had been raised at the rear of the complainants' houses; and
 - commission independent valuations of the complainants' houses as they were and as they would have been had the adjoining development been built without the land being raised, and pay them any difference.

Other residents

8. The Ombudsman noted that there were other residents who could have suffered in a similar way from the council's maladministration. The Ombudsman hoped the council would take the opportunity to apply a similar remedy to them.

(Report 00/B/12415 et al)

K10: Grant of permission

Failure to notice error on plans – failure to consider amenity of neighbours – need for notes of site visit

Mr and Mrs Ryan complained that a council did not notify them of a planning application for a large detached house on land adjoining their property, and did not properly consider the effect this development would have on their amenity.

What the Ombudsman found

1. The Ombudsman concluded that the council did, in fact, properly notify Mr and Mrs Ryan of the planning application.
2. However, the Ombudsman found that council officers:
 - failed to notice an error on the plans;
 - did not realise the degree to which Mr and Mrs Ryan's property would be affected;
 - did not make notes of the site visit; and
 - did not draw the effect on Mr and Mrs Ryan's amenity to the attention of committee members when the application was considered.

Site visits

3. The Ombudsman drew particular attention to the fact that the senior planning officer who visited the site made no proper record of the visit at the time. It appeared that the council did not expect planning officers to make notes of site visits. But the Ombudsman did not consider that reports could be accurately prepared a week after the visit without the assistance of notes. That was particularly true when an officer could have seen as many as 10 other sites on the day of the visit.

4. The council accepted that it should introduce the practice of making notes of site visits.

Error on plans

5. The Ombudsman said that members had every right to expect a case officer to detect a major error in plans and to draw the implications of that to members' attention. Members were dependent on professional officers to provide them with proper information on which to base their decisions.

Injustice

6. Members of the planning committee said that, had they known there was an error on the plans, they would have asked for a site visit to assess the effect of the proposal on neighbouring properties. The Ombudsman concluded that there had been injustice to Mr and Mrs Ryan in that their amenity had not been properly considered. Had the maladministration not occurred, there was a chance the council would have negotiated changes to the design to protect their amenity.

Outcome

7. The Ombudsman was pleased to note that the council intended to introduce the practice of making site visit notes and that the council said it would refer to the amenity of neighbouring properties in reports where that was a material consideration.
8. The council also agreed to the Ombudsman's suggestion that it should pay Mr and Mrs Ryan £500 compensation.

(Report 01/C/9521)

K11: Grant of permission

Addressing the planning committee – reasons for decision – failure to take proper account of a relevant consideration

Ms Walton and Mr Chapman complained that there were shortcomings in the way a council dealt with a planning application to extend and alter a neighbour's property situated in a conservation area.

The application

1. The application was in respect of a four-storey property. The application included proposals for the creation of a high-level sitting area to the rear of the property.
2. Ms Walton and Mr Chapman complained that members of the planning committee resisted the advice of their officer that the application should be refused, without giving any reasons for taking a contrary view.

Addressing the planning committee

3. The council's procedures allowed for interested parties to address the planning committee. Where the recommendation of the planning officer was for approval, an objector who had submitted written representations was allowed to address the committee for three minutes. If the officer recommendation was for refusal, a supporter of an application could address the committee.
4. The Ombudsman considered that the council's scheme was flawed because it only allowed one of the parties to address members. He pointed out that, in those cases where members disagreed with their officers, objectors might feel aggrieved that they had been denied the opportunity to present their case. Conversely, the applicant could feel disadvantaged if the officer recommendation was for approval but then the members disagreed.

5. The Ombudsman invited the council to review its representation arrangements.

Reasons

6. In this case the planning officer recommended refusal of permission. The planning committee, on the casting vote of the chair, granted permission.
7. The minute of the meeting gave no indication of the reasons the planning committee members had for not accepting their officer's advice. The Ombudsman said that was highly unsatisfactory. That was particularly so as it was the officer's opinion that the proposed development would conflict with Government advice and would be contrary to the provisions of the approved development plan. The Ombudsman said that, in this case, the failure to give reasons amounted to maladministration.

Relevant considerations

8. The Ombudsman observed that, naturally, elected members were entitled to disagree with their officers' recommendations and to give a different weight to the relevant planning considerations.
9. But, in this case, the Ombudsman did not believe that members paid proper attention to all the relevant material planning considerations.
10. The officer's report stated clearly that the new sitting area would enable direct overlooking to occur to the neighbouring properties and would have an unduly harmful impact on the amenity of occupiers of the immediately adjoining property. But according to the

evidence provided to the Ombudsman, some members thought there would only be a sense of overlooking, or in other words a perception rather than a reality.

11. Evidence from the chair of the committee showed that not all the members were clear about the factors which could, and should, have been taken into account. The chair's understanding of what members could and could not properly consider was, the Ombudsman said, comprehensively wrong. For example, the chair believed that particularly intrusive overlooking could not be the only reason for refusal. The Ombudsman pointed out that overlooking is a material planning consideration and could, in some circumstances, be the sole reason for refusing permission.
12. It seemed to the Ombudsman that there was a failure to take proper account of the overlooking likely to be experienced by neighbours, including Ms Walton and Mr Chapman. That was maladministration.

Injustice

13. The Ombudsman judged that, if proper consideration had been given to the amenity of neighbours, the high-level sitting area would not have been permitted.

Remedy

14. The Ombudsman recommended that the council should:
 - obtain independent advice about the value of the complainants' property if the high-level sitting area had been excluded, compared with the existing value, and pay them the difference in value if any; and
 - pay the complainants £250 in recognition of their time and trouble in pursuing the complaint with the council and with the Ombudsman.

(Report 01/B/10578)

K12: Grant of permission

Inconsistent decisions

Mr and Mrs A complained about the way a council made decisions to grant planning permissions.

What happened

1. Mr and Mrs A applied for planning permission to build a two-storey side extension to their house. The council asked them to modify their plans to set back the upper storey, with the result that there was a smaller front bedroom than they originally planned.
2. Mr and Mrs A reluctantly revised the application, they received planning permission and built the extension.

3. Subsequently, their neighbours two doors away obtained planning permission for a similar extension but without the setting back of the upper storey.

Outcome

4. The council acknowledged the inconsistency in its planning decisions, and paid compensation to Mr and Mrs A of £700.

(Local settlement 01/C/15607)