

## SPSO decision report

**Case:** 201101662, East Dunbartonshire Council

**Sector:** local government

**Subject:** planning, privacy

**Outcome:** not upheld, no recommendations

### Summary

Mr C complained about the council's handling of a planning application for a neighbour's conservatory. In particular Mr C complained that the council failed to comply with their guidance in relation to intervisibility and window distance and as a result had failed to protect his privacy in his own conservatory. He also complained that the council had failed to take account of his objections about privacy and overlooking, in that they had failed to take action when his neighbour had reduced in height the planting that had screened one of the windows in the conservatory.

We did not uphold Mr C's complaints. Our investigation found that the council's guidance was intended to be just that - guidance - and that planning officers were free to use their professional judgement when processing planning applications. In this case the council had explained why, in relation to conservatories, they had decided that the guidelines regarding intervisibility and window distance could be relaxed. We found no evidence that the council did not take into account Mr C's objections to the planning application. They had also explained as the planting was not required as a planning condition they could take no action when Mr C's neighbour reduced its height.