

25 August 2021

Complaint reference:
21 005 134

Complaint against:
East Devon District Council

The Ombudsman's final decision

Summary: We will not investigate this complaint about the Council's decision not to require a planning application for demolishing a veranda. We do not consider the complainant has suffered a significant personal injustice which warrants investigating.

The complaint

1. The complainant, we shall call Ms B, complains about the Council's decision that her neighbour's demolition of their veranda does not require planning permission. She says it contradicts permitted development rules and its previous correspondence with her.
2. She says the loss of the veranda has changed the appearance of the conservation area where she lives.
3. Ms B wants the Council not to approve planning applications, which are contrary to the advice of the conservation officer, under delegated authority. She also wants the Council to direct her neighbour to put in a retrospective planning application.

The Ombudsman's role and powers

4. We investigate complaints about 'maladministration' and 'service failure', which we call 'fault'. We must also consider whether any fault has had an adverse effect on the person making the complaint, which we call 'injustice'. We provide a free service but must use public money carefully. We may decide not to start an investigation if the tests set out in our Assessment Code are not met. (*Local Government Act 1974, section 24A (6), as amended*)

How I considered this complaint

5. I considered information provided by Ms B, including the Council's responses.
6. I considered the Ombudsman's Assessment Code.

My assessment

7. Ms B's neighbour demolished their veranda, before applying for planning permission for a new balcony. The application did not include retrospective application for the demolition of the veranda.

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8. The Council granted planning permission for the new balcony. In response to Ms B's complaints, it says it has decided the small-scale demolition of the veranda does not require planning permission.
 9. I understand Ms B disagrees with the Council on this point. I accept the changes to the building alters the look of the immediate area. However, I do not consider this causes Ms B a significant personal injustice which warrants our involvement.

Final decision

10. We will not investigate Ms B's complaint because it does not meet the injustice test set out in our Assessment Code.

Investigator's decision on behalf of the Ombudsman