

SPSO decision report

Case: 201105354, The City of Edinburgh Council
Sector: local government
Subject: handling of application (complaints by opponents)
Outcome: not upheld, recommendations

Summary

Mr C lives in a village, which is a conservation area. He complained that the council did not take into account the relevant conservation area policies when considering an application to add an additional storey to the property next to his. He was particularly concerned because two previous applications were refused on the grounds that the proposals did not improve or enhance the conservation area, privacy levels would be unacceptably reduced and parking provisions proposed were substandard. He felt there had not been any improvements to these issues when the third application was granted.

After taking independent advice from one of our planning advisers, we found that the application had been handled correctly, and the relevant conservation policies had been considered. We noted that the proposed extension would be harled (a process of covering stonework with plaster containing small pebbles or stone chips). Although Mr C was opposed to this because other properties in the street were sandstone, the village's conservation area character appraisal listed harling as a traditional material, and described it as one of the unifying elements of the townscape. We also noted that relevant case law says that proposals did not actually have to enhance a conservation area, and if a proposal was neutral and caused no harm, this was acceptable. We noted that the previous refusal because of a lack of parking provision was not in fact a material consideration, and the council's explanations about this could have been clearer. We did not uphold the complaint but drew to the council's attention a number of ways they could have improved their handling of Mr C's complaint, and their explanations for the decision made.

Recommendations

We recommended that the council:

- provide Mr C with the correct calculations for the overshadowing and sunlighting as referred to within the third application.