

## SPSO decision report

**Case:** 201200344, The City of Edinburgh Council  
**Sector:** local government  
**Subject:** handling of application (complaints by opponents)  
**Outcome:** some upheld, no recommendations

### Summary

Mr C lives in a conservation area. He complained that the council failed to take into account the relevant planning policies and guidance when considering an application to add an additional storey to the property next to his. Two previous applications for the site had been refused and he was particularly concerned because, while some material changes had been made from the refused applications, the third application had not addressed some of the reasons for refusal of the first two applications.

After taking independent advice from one of our planning advisers, we did not uphold most of Mr C's complaints. We found that the application was handled correctly, and the relevant conservation policies had been considered. Although the council accepted that there was an error in the planning report in calculating the amount by which the development overshadowed Mr C's property, we found that this did not mean that the decision to grant planning consent was incorrect.

Mr C also raised concerns about the council's handling of his representations about the planning application and the handling of his personal details. We found that the council had provided a reasonable response to his representations about the application. However, while it was not for us to say whether there had been a breach of the Data Protection Act we found that the council had not provided a reasonable response to his representations about this. We upheld that complaint and drew the council's attention to our comments.