

SPSO decision report

Case: 201202768, The City of Edinburgh Council
Sector: local government
Subject: planning; policy/administration
Outcome: not upheld, no recommendations

Summary

Mr C complained about the council's decision to grant consent to his neighbour to drop the kerb fronting his property to provide a paved area for parking. Mr C complained that the finished work did not comply with the consent or the assurances he had been given that action would be taken to rectify this, and said that the effect of this was a loss of parking space in an already congested street.

We found that the council had told Mr C at the time of his initial complaint that his neighbour's proposal was regarded as permitted development, and so did not require planning permission. Mr C was told that a permit would be required to lower the kerb. He complained to the council when the works were completed, saying that the final length of the actual dropped kerb was longer than he had been told would be permitted.

We did not uphold Mr C's complaint. Our investigation found that the council had investigated it and, from inspection of the site and discussion, had accepted the contractor's explanation for the decision to alter the length of the dropped kerb. When permission was given to drop the kerb, the width of the white access protection marking line was set at 4.5 metres. The council then decided that this could be reduced from 4.5 metres to 3.6 metres, to minimise the loss of resident parking space. The council had told Mr C this in their correspondence with him. We were satisfied that the council had considered his concerns and exercised their discretion in the matter in a reasonable and fair way.