

SPSO decision report

Case: 201306158, The City of Edinburgh Council
Sector: local government
Subject: handling of application (complaints by opponents)
Outcome: not upheld, no recommendations

Summary

Mr C complained about the council's handling of a planning application for an extension to a neighbouring property. He was concerned that the council accepted plans of the proposed extension that resulted in an incorrect impression being given of the size of the extension, and that there were errors in the report prepared on the application. He was also concerned that the extension was out of character with the surrounding area and would have a detrimental effect on his amenity (enjoyment of property or surroundings), in that his sunlight and daylight would be compromised. Mr C complained that the council had failed to respond to his concerns about these issues. He also complained that the council had failed to follow their complaints procedure.

During our investigation we took independent advice from our planning adviser. We found that, while there were some errors in the report prepared on the planning application, these were not material to the decision on the application. We were also aware that the professional judgement of the council was that the development would not have a detrimental impact on neighbourhood character or amenity. We were satisfied that the council properly took into account the relevant guidance and planning policies. In the absence of evidence of procedural omissions in the council's handling of the application we did not uphold this complaint.

On the issue of sunlight and daylight, our adviser said that the council properly assessed these as planning authority, and that the development would not result in any unreasonable loss of natural light to neighbouring properties. We were satisfied that the council had reasonably responded to Mr C's concerns about these issues and we did not uphold the complaint.

We were also satisfied that the council considered and reasonably responded to Mr C's representations. While we were concerned that, although Mr C indicated during stage one of the council's complaints process that he wanted to submit further comments, he was not then given a reasonable opportunity to do so, we were satisfied that he was able to submit detailed comments during the council's consideration of his complaint at stage two.