

SPSO decision report

Case: 201405676, The City of Edinburgh Council

Sector: local government

Subject: complaints handling

Outcome: upheld, recommendations

Summary

Ms C owned a property, behind which were three garages. Planning consent was granted for one of the garages to be converted into an office. Due to its close proximity to Ms C's property, a condition was included in the consent requiring the developer to replace the garage's window with glass blocks, to maintain Ms C's privacy. However, the developer installed a plain window which, whilst opaque, could be opened.

Ms C was disappointed to find that the council declined to take enforcement action to ensure that the required blocks were installed. She complained that the council failed to respond to her correspondence on the matter and failed to review their decision not to enforce the condition.

We found that the council had concluded that the original condition was worded in such a way that it was unenforceable. We accepted independent planning advice that this was not the case and that the council could have done more to ensure that Ms C's privacy was protected in line with the planning consent. We were also critical of their handling of her complaints and their failure to respond to relevant information she presented to them.

Recommendations

We recommended that the council:

- provide us with details of the action they have taken to improve their mechanisms for logging and responding to correspondence coming into the planning enforcement service;
- conduct a review of their handling of this case with specific regard to the adviser's comments and consider what action may still be open to them to ensure that the purpose of the condition of consent is achieved;
- apologise to Ms C for the poorly worded condition and the impact that this has had on her amenity (enjoyment of her property or surroundings); and
- share our decision with the relevant staff.