

SPSO decision report

Case: 201406386, 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 decision to allow changes to a planning application for a house in the local conservation area by considering them as a non-material variation. Mr C was concerned that this meant that residents did not have the right to object to the development. In addition, he was concerned that the council had failed to take into account relevant policies when granting permission for the felling of three trees on the site.

We found that the changes to the original design actually reduced the size of the proposals and meant that the impact on the area of the new build would be less, under the new proposals, than it would have been under the original application. We considered that the planning officer's decision to consider this as a non-material variation, rather than requiring a new application, was reasonable. We also noted the council's reasons for allowing the removal of the trees and noted that they would be replaced with native varieties. As these were both discretionary decisions of the council, and as we found no evidence of administrative failure in the way the council reached their decision, we did not uphold these complaints.