

## SPSO decision report

**Case:** 201600536, The City of Edinburgh Council  
**Sector:** local government  
**Subject:** handling of application (complaints by opponents)  
**Outcome:** not upheld, no recommendations

### Summary

Ms C complained about how the council handled her concerns about a breach of planning control by her neighbours who had built a balcony. She complained that it did not meet the minimum distance requirements for privacy. Ms C also pointed out that while the council said they followed guidance, the guidance did not refer to balconies. She questioned therefore how the council could say they followed guidance.

In addition, Ms C pointed out that the council elected to use window to window minimum distance measurements for assessing privacy, but she noted that the council themselves pointed out that the minimum distances were not met.

We requested all of the relevant information from the council and also sought independent planning advice. We noted that, prior to our involvement in this case, the council had acknowledged their failings and had taken action to remedy them. In particular, the council recognised that their Guidance to Householders was insufficient with regard to balconies and privacy and accepted that it should be reviewed.

The adviser confirmed that the use of enforcement powers is a discretionary matter for the council. The adviser also concluded that the council had addressed the concerns Ms C raised and that their officers applied the most appropriate guidance available to them at the time. We accepted this view and did not uphold the complaint.