

## SPSO decision report

**Case:** 201101681, The City of Edinburgh Council  
**Sector:** local government  
**Subject:** handling of application (complaints by opponents)  
**Outcome:** upheld, action taken by body to remedy, no recommendations

### Summary

Mr C is the owner-occupier of a property in a conservation area. His next-door neighbour applied for planning permission to demolish a section of an external wall and build a small single storey extension at the back of his property. The extension was to have a glazed door to the side (facing Mr C's property) and was to be clad with blue-grey stained timber. The council produced a report of handling recommending that the application should be granted.

Mr C complained that the character of the extension did not fit with the surrounding area and that the report of handling failed to refer to the local area character assessment. Mr C also complained about privacy issues relating to the door facing his property. The council recognised that it had failed to specifically mention the local area character assessment in its consideration, apologised for this and took action to ensure that decision-makers do so in the future. However, they said that this would not have affected the outcome of the decision and that they thought that the decision-maker's consideration of the general character of the extension and privacy issues was reasonable.

Following advice from our planning adviser, we decided that the council failed to consider the local area character assessment when it should have. However, our adviser told us that the key point was whether the principles underlying the relevant material considerations were, in fact, taken into account. In his view, they were. We considered, therefore, that the council had taken enough action to remedy the failures in this complaint. Furthermore, after careful consideration of the council's planning decision, we were unable to find evidence that the council misrepresented matters in its planning decision.