

HIGH HEDGE COMPLAINT AT 170 LOCKS ROAD
170 LOCKS ROAD LOCKS HEATH SOUTHAMPTON HANTS

Report By

[Brendan Flynn ext 4665]

Comments**Introduction**

This complaint is made following attempts by complainant to engage with hedge owner as required by Anti-Social Behaviour Act 2003 Section 8.

A site visit to the complainant's property was undertaken on 7th May 2014 by the case officer. Measurements of the complainant's garden and house and the height of the hedge were taken during that visit.

An earlier site visit was also carried out at the hedge owner's property on 11th April 2014. Measurements of the height of the hedge were also taken during that visit.

The Hedge and its surroundings

The hedge is a Leyland cypress which is in average health. The hedge is located at the eastern end of the rear garden of the 170 Locks Road and provides a screen between the garden and the property at 14 Topiary Gardens. The complainant's property at 14 Topiary Gardens backs onto the site where the hedge is located meaning that the boundary along which the hedge is located runs partway across the rear boundary of the complainant's property.

The hedge at the time of the inspection was 4.6 metres high. The hedge is located approximately 10.5 metres from the rear elevation of the dwelling at 14 Topiary Gardens. At ground floor level in the rear elevation of the house are several clear glazed windows. There are further windows at first floor level at the rear of the dwelling.

Case for the complainant

The complainant's concerns are as follows:-

- * The loss of sunlight to the rear of the house and rear garden.
- * The hedge is very imposing
- * The hedge is impossible to maintain safely
- * The hedge inhibits plant growth

Case for the Owner/Occupier of the land where the Hedge is situated

The hedge owner commented as follows:-

- * The trees are mature

* The trees provide cover to prevent the owner's bees from entering the complainant's property

* The trees are a haven for wildlife

Light obstruction

The council followed the method in the Building Research Establishment (BRE) guideline on 'Hedge height and light loss' for calculating which height a hedge should be in order not to cause an unreasonable obstruction of light to windows and gardens. The results indicate that at 4.6 metres in height the hedge is currently having a significant impact on light to and enjoyment of the complainant's garden area and windows in the rear elevation of the dwelling. The overall action hedge height is therefore calculated to be 3.7 metres.

Visual amenity

The hedge has no adverse impact on the visual amenity of the general area.

Privacy

A reduction in height of the hedge to a minimum of 3.7 metres would have no material impact on the privacy of the hedge owner's property or on the complainants.

Health of the hedge

The calculation identified that the hedge should be reduced to 3.7 metres and therefore, taking into account the margin for regrowth of the hedge, the initial action required should theoretically reduce the hedge to approximately 3.2 metres.

Para 6.24 of the government issued guidance High Hedge Complaints: Prevention and Cure (ODPM, 2005) recommends that "Leylandii cypress hedges will usually respond well to a reduction of up to one-third of their height".

Relevant policies or legislation

There are no relevant policies or other legislation that have any material effect on the Council's decision in particular instance.

Main Considerations are: loss of light/obstruction of light, amenity, privacy, health of hedge.

The Council considers that the height of the hedge in close proximity to the rear private garden area of the complainant's property is causing a significant loss of light to the garden and dwelling and is having an adverse effect on the reasonable enjoyment of the property as a result.

Conclusion

The hedge is causing obstruction of daylight and sunlight to the complainant's garden area and dwelling. A remedial notice should be served requiring the hedge to be brought down to 3.2 metres in height and prevented from exceeding a height of 3.7 metres in the future. This figure has been reached after taking account of both the need to reduce the hedge in height and also the need to protect the health and vitality of the trees by not removing too much live crown.

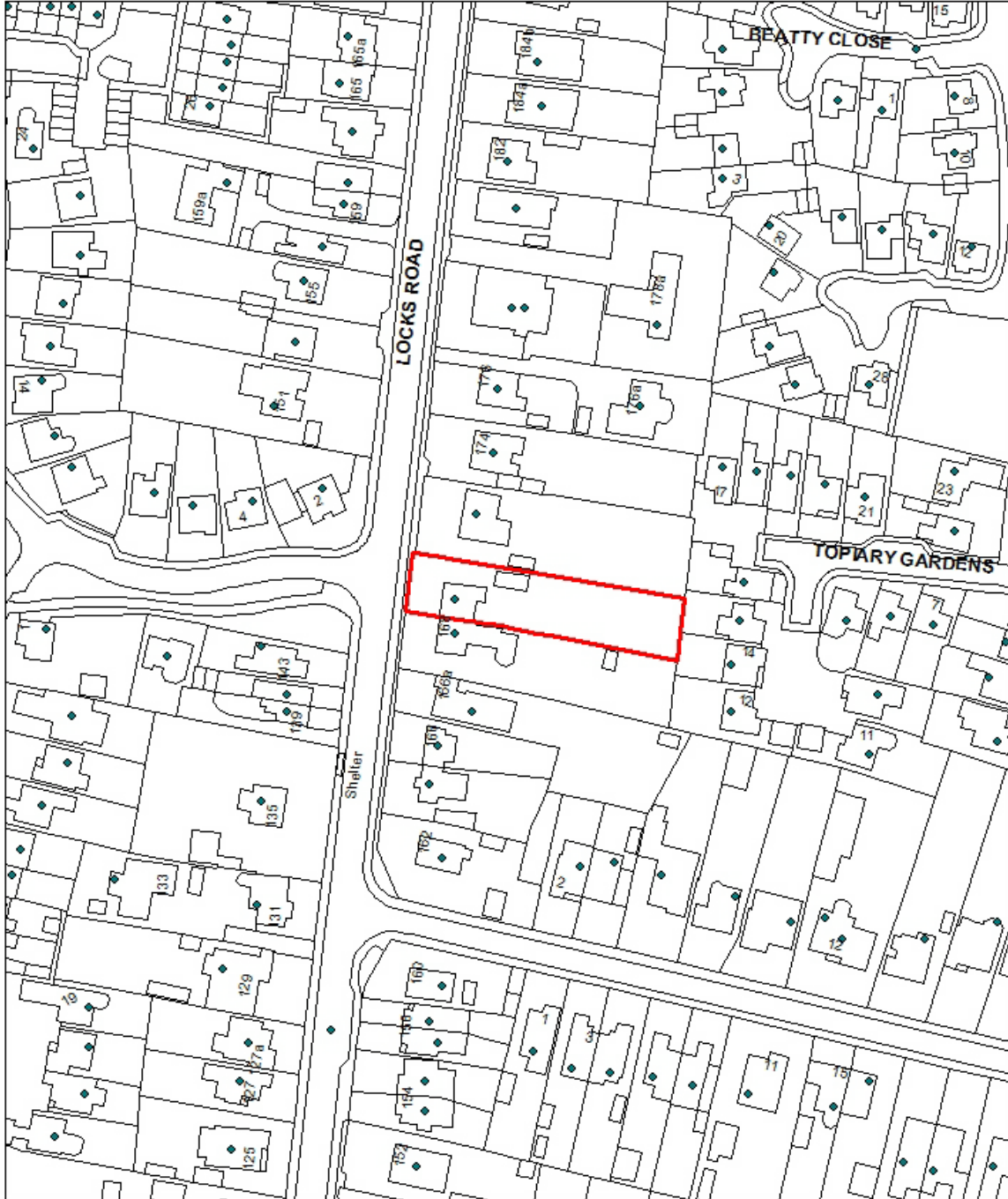
Good practice guidance should also be given advising that complete removal of the hedge should be considered in the circumstances and if a boundary hedge were to be replanted careful consideration should be given to the choice of species of that hedge and its maintenance.

Recommendation

The height of the hedge is adversely affecting the complainant's reasonable enjoyment of their property and it is recommended that a remedial notice be issued.

FAREHAM

BOROUGH COUNCIL



170 Locks Road
SCALE: 1:1,250

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