

**From:** [Foi Enquiries](#)  
**To:** [REDACTED]  
**Subject:** EIR-18-0109 - High Hedge  
**Date:** 14 February 2018 14:51:32  
**Attachments:** [Further Information - Right to Review & Appeal.pdf](#)  
[EIR\\_18\\_0109\\_ROHa\\_Redacted.pdf](#)  
[EIR\\_18\\_0109\\_ROHb\\_Redacted.pdf](#)  
[EIR\\_18\\_0109\\_ROHc\\_Redacted.pdf](#)  
[EIR\\_18\\_0109\\_ROHd\\_Redacted.pdf](#)  
[EIR\\_18\\_0109\\_ROHe\\_Redacted.pdf](#)

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Dear [REDACTED],

Thank you for your information request of 17 January 2018. Aberdeen City Council (ACC) has completed the necessary search for the information requested.

**Please can you send me copies of all the *Report of Handling* concerning the high Hedge Applications that has been received by the Aberdeen City Council since the inception of the High Hedge (Scotland) Act till today (17th January 2018).**

ACC have compiled 5 reports of handling. Please find enclosed EIR-18-0109-ROHa, EIR-18-0109-ROHb, EIR-18-0109-ROHc, EIR-18-0109-ROHd and EIR-18-0109-ROHe.

Please note that third party names, personal details and other identifying information have been redacted (blacked out) from the attached documents. This is because ACC considers that this information is excepted from disclosure. In order to comply with its obligations under the terms of Regulation 13 of the EIRs, ACC hereby give notice that we are refusing your request under the terms of Regulation 11(2) in conjunction with 11(3)(a)(i) – Personal Information - of the EIRs.

In making this decision ACC considered the following points:

ACC is of the opinion that Regulation 11(2) applies to the information specified above as the information in question is personal information relating to living individuals, and the applicant is not the data subject.

ACC is of the opinion that Regulation 11(3)(a)(i) applies, as ACC considers that disclosure of this information would be a breach of the first Data Protection Principle (that personal information must be processed fairly and lawfully) and second Data Protection Principle (personal information must only be processed for a specific and lawful purpose). Third parties named within the attached documents would not expect ACC to release this information about them into the public domain under the EIRs (or the Freedom of Information (Scotland) Act 2002 (FOISA)).

ACC cannot disclose information about an applicant's own personal information under the Environmental Information (Scotland) Regulations 2004 (EIRs), as releasing this information EIRs means that ACC would be putting your personal information into the public domain and would form a breach of the Data Protection Act 1998. On this basis, your own personal information is exempt under Regulation 11(1) (personal information of which the applicant is the data subject) of the EIRs.

We hope this helps with your request.

Yours sincerely,

Salomeh Kheyri Rad  
Information Compliance Officer

### **INFORMATION ABOUT THE HANDLING OF YOUR REQUEST**

As the information which you requested is environmental information, as defined under Regulation 2(1) of the Environmental Information (Scotland) Regulations 2004 (the EIRs), ACC considered that it was exempt from release through FOISA, and must therefore give you notice that we are refusing your request under Section 39(2) of FOISA (Freedom of Information (Scotland) Act 2002). However, you have a separate right to access the information which you have requested under Regulation 5 of the EIRs, under which ACC has handled your request. Please refer to the attached PDF for more information about your rights under the EIRs.

Information Compliance Team  
Customer Service  
Corporate Governance  
Aberdeen City Council  
3rd Floor North  
Business Hub 17  
Marischal College  
Broad Street  
ABERDEEN AB10 1AQ

[foienquiries@aberdeencity.gov.uk](mailto:foienquiries@aberdeencity.gov.uk)

Tel 03000 200 292

\*03000 numbers are free to call if you have 'free minutes' included in your mobile call plan.  
Calls from BT landlines will be charged at the local call rate of 10.24p per minute (the same as 01224s).

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## Report of Handling – High hedge Notice Application

**Reference:** ACC/HH/2015/001

**Date:** 18<sup>th</sup> June 2015

**Applicant:** [REDACTED]

**Applicant Address:** [REDACTED]

Kincorth  
Aberdeen  
AB12 [REDACTED]

**Owner:** [REDACTED]

**Hedge Location:** [REDACTED]

Kincorth  
Aberdeen  
AB12 [REDACTED]

**Decision:**

Notice served

**Site Visit:**

2<sup>nd</sup> June 2015

### 1 The Hedge

1.1 The high hedge referred to in this application is located on the north-east boundary of the rear garden of [REDACTED]. The hedge is a row of Leyland Cypress trees; the hedge is approximately 3.5 metres in height and extends to 9.4 metres in length.

1.2 The hedge is well maintained and clearly benefits from regular maintenance.

1.3 The original application for the serving of a high hedge notice included a single Sitka Spruce tree which is located at the northern end of the hedge. Whilst the tree is in line with the hedge and clearly acts as a barrier to light it has been excluded from the application. The Sitka Spruce is identified as a tree and as such it is considered that it falls outwith the scope of the Act. The tree has not been subjected to the same maintenance that the hedge has received, it is not considered that the intention of planting the tree was to form a hedge and it is not a species commonly associated with the formation of a hedge.

### 2 Relevant legislation, policies and guidance

2.1 High Hedges (Scotland) Act 2013

High Hedges (Scotland) Act 2013 – Guidance to Local Authorities

Building Research Establishment – Hedge Height and Light Loss

### **3 Pre-application requirements**

- 3.1 Pre-application requirements are considered to have been met by the applicant. Attempts to resolve the matter prior to making an application included verbal discussions, written correspondence to the owner outlining the concerns of the applicant and information relating to the High Hedges (Scotland) Act 2013. An attempt to engage with the owner via a local mediation service was undertaken.
- 3.2 It must be noted that much of the conversation between the parties has related to the single Sitka Spruce tree that is located at the northern end of the hedge. It would appear that issues relating to the hedge were introduced at a later date and after an approach was made to the owner by the local mediation service.
- 3.3 It is acknowledged that the sequence of communications and the contents of these communications have not necessarily been clear and undertaken in the most appropriate manner. However it is clear that an attempt to resolve the matter has been undertaken. Communication channels between the parties would appear to have deteriorated to the point that this matter is only likely to be resolved via 3<sup>rd</sup> party intervention.
- 3.4 Given an attempt to resolve the matter prior to application was undertaken and this has resulted in a breakdown in communication channels I have concluded that the application should be accepted and determined.

### **4 Case for the applicant**

- 4.1 The applicant has outlined a number of issues caused by the lack of light to their rear garden ground. The applicant suggests the use of the rear garden is restricted due to the poor condition of the lawn, being that the lawn is considered at times to be saturated, boggy, muddy and covered in moss. The applicant cites incidences of family members slipping on the lawn and their children, aged 4 and 2, repeatedly falling down.
- 4.2 The applicant has also highlighted that they cannot sit outside after work to enjoy the sunshine, nor can they partake in general garden activities like drying washed clothes, growing plants, sunbathing, outdoor eating and barbecuing.
- 4.3 In addition the applicant considers that his family's wellbeing is affected and that the situation is having an adverse effect on his children as they feel they cannot invite their children's friends over due to the wet and boggy ground and lack of sunshine.

### **5 Case for the owner**

- 5.1 In response to the neighbour notification the hedge owner has highlighted that over the last few weeks, prior to responding to the neighbour notification letter, the applicant has had several people in their back garden enjoying the sunshine, washing hung out drying and their children have been using the back garden to play in.

## 6 Assessment

- 6.1 The initial assessment involved undertaking a technical assessment to identify the impact that the high hedge may be having on the applicant's garden ground in relation to the loss of light. The Building Research Institute (BRE) guidance on Hedge Height and Light Loss was utilised to identify any adverse impact.
- 6.2 The BRE guidance provides a method for calculating the 'action hedge height'. A hedge which is higher than the calculated 'action hedge height' is likely to be causing a significant loss of light.
- 6.3 The action hedge height was calculated as 3 metres. The current hedge height is approximately 3.5 metres. In line with the BRE guidance the calculated height should be further reduced to take into account annual growth. The guidance recommends a further reduction of between 60 centimetres to one metre to allow for growth of the hedge between cuttings. This would result in an initial action height of between 2 - 2.4 metres. A copy of the standard calculation sheet is appended to this document.
- 6.4 The applicant has identified a number of impacts that relate to the lack of light received to the garden due to the hedge. A number of these claims have been refuted by the hedge owner. Whilst I could not find much evidence to support some of the claims made by the applicant the site visit was undertaken during June. It would be reasonable to assume that issues relating to the ground being saturated, boggy, muddy and slippery would relate to the state of the garden outside the summer period.
- 6.5 The hedge owner was given the opportunity to comment on the contents of the application and provide any supporting information pertaining to the requirement for retaining the hedge at its current height. Whilst a representation was submitted by the owner no reason was given for the current height of the hedge or why it should be maintained at its current height.
- 6.6 Other observation;
- 6.6.1 The properties of [REDACTED] and [REDACTED] are located to the south-east of the rear gardens. The effects of this being that the gardens receive very little, if any, direct sunlight during the day. The majority of sunlight reaching the gardens will be during a period from late afternoon and throughout the evening.
- 6.6.2 The south-west boundary of [REDACTED], this being the boundary that the hedge is located along, is 15.25 metres long. The hedge extends to only 9.4 metres. Whilst the hedge only takes up a proportion of the boundary there are other significant features that form a complete barrier to light along the complete length of the 15.25 meter boundary. These features include a conservatory extension to [REDACTED] and a mature Sitka Spruce tree located in the rear garden of [REDACTED] located immediately to the north of the hedge.

## 7 Appraisal of evidence

- 7.1 The calculations undertaken as per the BRE guidance identify that the current height of the hedge is having a significant impact on the level of light reaching the rear garden of [REDACTED]. The outcome of the calculations is that the hedge should be reduced in height to alleviate the impact.
- 7.2 Whilst the BRE guidance gives a reasonable starting point to assess any impact we are also required to consider whether the height of the high hedge adversely affects the enjoyment of the domestic property which an occupant of that property could reasonably expect to have.
- 7.3 Given the limited scope to receive sunlight to the rear garden of [REDACTED], due to the orientation of the building, I consider that it is reasonable to expect to receive the evening sun. It is clear to me that the enjoyment of the garden ground by the occupants of [REDACTED] is significantly impacted due to the current height of the hedge.
- 7.4 The representation received by the owner of the hedge made no case for the retention of the hedge at its current height.
- 7.5 Whilst the outcome of the BRE guidance calculations are a helpful starting point for identifying what the reduced height could be I do not consider that it takes into account the overall situation. Section 6.6.2, above, describes other features along the same boundary that in combination with the hedge forms a complete barrier to light. Section 7 ii.a of the BRE guidance acknowledges that the standard calculation in such circumstances may result in an unfairly high action hedge height and suggests it may be appropriate to select a lower action hedge height.
- 7.6 A further calculation was undertaken based on the hedge and other features occupying the whole boundary. This calculation resulted in an action hedge height of 1.85 metres. A copy of the adapted calculation sheet is appended to this document.

Note: The overall action hedge height on the adapted calculation sheet is displayed as two metres. This calculation sheet, which was developed for use in England, automatically defaults to two metres should the action hedge height be calculated below two metres. An action hedge height of less than two metres can be prescribed in Scotland.

## 8 Recommendation

- 8.1 It is my recommendation that a high hedge notice is served in order to reduce the height of the hedge and to ensure its future maintenance at an acceptable height.
- 8.2 I consider that the additional obstructions to light on the same boundary as the high hedge should be taken into consideration and that the results from the adapted calculation sheet should be used as a guide to what height the hedge should be maintained at.
- 8.3 It is widely accepted that a hedge of 2 metres in height is sufficient to provide privacy. With this in mind I conclude that the high hedge notice will state an initial action to reduce the overall height of the hedge to no more than 1.7 metres or less above ground level at the base of the hedge. The compliance period will require the initial action to be undertaken by 30<sup>th</sup> September 2015. This will allow sufficient time to organise the works, and allow sufficient time for the works to be undertaken after the bird breeding/rearing season has ceased at the end of August.
- 8.4 A further action, the preventative action, will require the hedge to be maintained at a height of 2 metres or less above ground level at the base of the hedge.
- 8.5 It is common practice to prescribe a much lower height as part of the initial action, particularly when the hedge is formed from faster growing coniferous species such as is the case at [REDACTED]. However my observations are that the hedge is particularly well maintained, as such I consider that it only requires a small reduction below the preventative action height in order to allow the initial alleviation of the current situation and allow for a small margin of re-growth.

## Appendix 1 – Standard Calculation Spreadsheet

A SPREADSHEET TO CALCULATE ACTION HEDGE HEIGHT		
Only enter data in the green boxes		
Measure distances in metres	Quantities you measure/ look up	Calculated values
<b>GARDEN</b>		
<i>If the garden is not rectangular, or the hedge is shorter than the boundary on which it grows, enter -</i>		
Area of garden (see section 4.2 & 7.ii.a)	112.85 A	
Effective hedge length (see Figure 3)	9.4 B	
<i>Or, if the garden is rectangular and the hedge grows along the whole length of the boundary on which it is situated, enter -</i>		
Depth of garden	C	
Effective garden depth		(A ÷ B) or C 12.01 C'
<b>Orientation</b>		
Compass direction of hedge from garden (S, NW etc)	sw	
Factor from Table 1 (section 4.2)		0.25 D (C' x D)
Uncorrected action hedge height		3.00 E
<i>Hedge set back from boundary (section 4.3.1)</i>		
If hedge over 1 metre back from boundary, enter distance between boundary and nearest part of hedge.	F	
<i>Slopes (section 4.3.2)</i>		
Distance between hedge and reference point for slope calculation		(C' ÷ 3) 4.00 G
If garden slopes, enter height that a point in the garden G metres away from hedge boundary is above the base of hedge (negative number if hedge is higher).	H	
Corrected action hedge height for garden		(E + F + H) 3.00 J
<b>WINDOWS</b>		
<i>Measurements</i>		
Closest distance from hedge to centre of window (section 5)	K	
If hedge opposite window, or south of a window that faces within 30 deg S of E or W (see sections 5.2-3), write 2 here		
If hedge at right angles to window, write 1 here	L	
If hedge at 45 degrees to window, write 1.5 here		
Uncorrected action hedge height for windows		(K ÷ L) + 1 M
<i>Amendments</i>		
Enter height of floor above ground (if first or above)	N	
If site sloping or stepped, enter height of base of window wall above base of hedge (negative number if hedge is higher)	P	
Corrected action hedge height for windows		(M + N + P) Q
<b>OVERALL ACTION HEDGE HEIGHT</b> (Lowest of J and Q, or 2 if greater)		3.00

## Appendix 2 – Adapted Calculation Spreadsheet

A SPREADSHEET TO CALCULATE ACTION HEDGE HEIGHT		
Only enter data in the green boxes		
Measure distances in metres	Quantities you measure/ look up	Calculated values
<b>GARDEN</b>		
<i>If the garden is not rectangular, or the hedge is shorter than the boundary on which it grows, enter -</i>		
Area of garden (see section 4.2 & 7.ii.a)	<input type="text" value=""/>	A
Effective hedge length (see Figure 3)	<input type="text" value=""/>	B
<i>Or, if the garden is rectangular and the hedge grows along the whole length of the boundary on which it is situated, enter -</i>		
Depth of garden	<input type="text" value="7.4"/>	C
Effective garden depth		$(A \div B)$ or C <input type="text" value="7.40"/> C'
<b>Orientation</b>		
Compass direction of hedge from garden (S, NW etc)	<input type="text" value="sw"/>	
Factor from Table 1 (section 4.2)		<input type="text" value="0.25"/> D
Uncorrected action hedge height		$(C' \times D)$ <input type="text" value="1.85"/> E
<b>Hedge set back from boundary (section 4.3.1)</b>		
If hedge over 1 metre back from boundary, enter distance between boundary and nearest part of hedge.	<input type="text" value=""/>	F
<b>Slopes (section 4.3.2)</b>		
Distance between hedge and reference point for slope calculation		$(C' \div 3)$ <input type="text" value="2.47"/> G
If garden slopes, enter height that a point in the garden G metres away from hedge boundary is above the base of hedge (negative number if hedge is higher).	<input type="text" value=""/>	H
Corrected action hedge height for garden		$(E + F + H)$ <input type="text" value="1.85"/> J
<b>WINDOWS</b>		
<b>Measurements</b>		
Closest distance from hedge to centre of window (section 5)	<input type="text" value=""/>	K
If hedge opposite window, or south of a window that faces within 30 deg S of E or W (see sections 5.2-3), write 2 here		
If hedge at right angles to window, write 1 here	<input type="text" value=""/>	L
If hedge at 45 degrees to window, write 1.5 here		
Uncorrected action hedge height for windows		$(K \div L) + 1$ <input type="text" value=""/>
<b>Amendments</b>		
Enter height of floor above ground (if first or above)	<input type="text" value=""/>	N
If site sloping or stepped, enter height of base of window wall above base of hedge (negative number if hedge is higher)	<input type="text" value=""/>	P
Corrected action hedge height for windows		$(M + N + P)$ <input type="text" value=""/>
<b>OVERALL ACTION HEDGE HEIGHT</b> (Lowest of J and Q, or 2 if greater)		<input type="text" value="2.00"/>



## Report of Handling – High Hedge Notice Application

**Reference:** ACC/HH/2015/002  
**Date:** 24<sup>th</sup> September 2015  
**Applicant 1:** [REDACTED]  
**Applicant Address:** [REDACTED]  
Cults  
Aberdeen  
AB15 [REDACTED]

**Applicant 2:** [REDACTED]  
**Applicant Address:** [REDACTED]  
Cults  
Aberdeen  
AB15 [REDACTED]

**Owner:** [REDACTED]  
**Hedge Location:** [REDACTED]  
Cults  
Aberdeen  
AB15 [REDACTED]

**Decision:** Serve High Hedge Notice  
**Site Visit:** 2<sup>nd</sup> June 2015

### 1 Overview

1.1 The application consists of a joint application from the property owners of [REDACTED] and [REDACTED]. The application refers to the neighbouring hedge located within the grounds of [REDACTED].

### 2 The Hedge

2.1 The high hedge referred to in this application is located on the east boundary of the property [REDACTED], Aberdeen. The hedge is approximately 80 metres long and varies in height from approximately 2.5 metres to 12 metres.

2.2 The hedge is considered to include the coniferous trees which begin approximately in line with the northern corner of the west gable of the property [REDACTED]; the double row of coniferous trees that begin south of the above-mentioned trees; the beech hedge that begins south of the above mentioned trees and the coniferous hedge which adjoins the beech hedge.

Excluded from what is considered to be a hedge are those deciduous trees & shrubs located north of the northern corner of the west gable of the property [REDACTED] and the fir trees located south of the coniferous hedge at the southern end of the hedge.

### **3 Relevant legislation, policies and guidance**

- 3.1 High Hedges (Scotland) Act 2013  
High Hedges (Scotland) Act 2013 – Guidance to Local Authorities  
Building Research Establishment – Hedge Height and Light Loss

### **4 Pre-application requirements**

- 4.1 Pre-application requirements are considered to have been partially met by the applicants. Attempts to resolve the matter prior to making an application included verbal discussions, written correspondence to the owner outlining the concerns of the applicants and the supply of information relating to the High Hedges (Scotland) Act 2013.
- 4.2 An attempt to engage with the owner via a local mediation service was undertaken; contact with the mediation service was led by [REDACTED]. The hedge owner formally acknowledged his willingness to participate in mediation. The applicant, [REDACTED], declined to further engage with the mediation process prior to a facilitated meeting taking place between the parties. The case between the hedge owner and [REDACTED] was closed by the mediation service due to irreconcilable differences.
- 4.3 Whilst it is a general requirement to make an attempt at mediation it is apparent that mediation was unlikely to result in a long term resolution. Correspondence between the three parties had been extensive and appeared to include a number of constructive verbal discussions. Remedial works were agreed by the parties and works to reduce the height of some sections of the hedge were undertaken. Following this there would appear to have been disagreement over the extent of remedial works agreed and those undertaken.
- 4.4 Given a number of attempts were made to try and resolve the matter prior to an application being lodged it is considered that the parties had undergone a form of self-mediation. The requirement to undertake mediation is considered to have been met.

### **5 Case for the applicant's**

#### **5.1 [REDACTED]**

- 5.1.1 The applicant considers that the hedge has a severe impact on the amount of light reaching the main living areas of the dwelling particularly the west facing conservatory and patio area. In addition impacts relating to the lack of light reaching the garden ground and the effects this has on trees, shrubs and the condition of lawns were noted.

5.1.2 The applicant has highlighted the serious effect that they believe the high hedge is having on the quality of their life and the likely impacts on their health due to the lack of vitamin D.

5.1.3 The applicant noted that the effects noted above are exacerbated in the autumn months when the sun is lower in the sky.

5.2 [REDACTED]

5.2.1 The applicant notes that light on the western boundary of her property is severely compromised making the use of artificial lighting during daylight hours often a necessity. Further impacts relating to the increased use of electricity for lighting and heating were noted.

5.2.2 The applicant notes that the hedge prevents full use and enjoyment of the patio area adjacent to the house due to the shadow cast by the hedge. It is also noted that due to the lack of light on the applicants side of the hedge that the hedge suffers from a lack of foliage and is dying off making it unsightly which detracts from the enjoyment of the patio area.

5.2.3 It is also noted that the western gable of the house and paths alongside this gable remain wet for long periods and suffer from moss and algae growth due to the lack of sunshine. It is noted by the applicant that this makes the paths slippery and difficult to walk on.

## **6 Case for the owner**

6.1 The hedge owner has noted that his family value the privacy, security and tranquillity that their property provides. Noting the relaxation and de-stress that their garden provides after long days of stressful work.

6.2 Concerns have been expressed relating to the impact of a particularly low cutting height and how a low height of cut would likely result in the death of the hedge. It was also noted that a cut height of three metres would result in an untidy group of bare trunks which are unlikely to recover. This was expressed in relation to the resulting impact on quality of life and the affects this would have on privacy and security.

6.3 The proximity of [REDACTED] was noted and concerns raised regarding overlooking. It was noted that the owner considers that the section of garden directly to the south of their property, the area with the shared boundary with [REDACTED], is the most secluded part of the garden and is utilised by the children of the family to play and relax knowing that they are safe from being watched by strangers and are within close proximity of the house.

## 7 Assessment

7.1 The initial assessment involved undertaking a technical assessment to identify the impact that the high hedge may be having on the applicant's garden ground and windows in relation to the loss of light. The Building Research Establishment (BRE) guidance on Hedge Height and Light Loss was utilised to identify any adverse impact. An individual assessment was undertaken for each of the applicant's properties.

7.2 The BRE guidance provides a method for calculating the 'action hedge height'. A hedge which is higher than the calculated 'action hedge height' is likely to be causing a significant loss of light.

7.3

7.3.1 The action hedge height was calculated as 7.11 metres, see calculation spreadsheet in Appendix 1. The current hedge height along the boundary of is approximately 2.5 - 12 metres.

7.3.2 In line with the BRE guidance the calculated height should be further reduced to take into account annual growth. The guidance recommends a further reduction of between 60 centimetres to one metre to allow for growth of the hedge between cuttings. This would result in an initial action height of between 6.11 – 6.51 metres.

7.4

7.4.1 The action hedge height was calculated as 3.31 metres, see calculation spreadsheet in Appendix 2. The current hedge height along the boundary of is approximately 12 metres.

7.4.2 In line with the BRE guidance the calculated height should be further reduced to take into account annual growth. The guidance recommends a further reduction of between 60 centimetres to one metre to allow for growth of the hedge between cuttings. This would result in an initial action height of between 2.31 - 2.71 metres.

7.5 The hedge owner was given the opportunity to comment on the contents of the application and provide any supporting information pertaining to the requirement for retaining the hedge at its current height. Whilst the representation submitted was extensive the underlying reasoning for maintaining the hedge at its current height was to provide privacy to the owner and his family.

## 8 Appraisal of evidence

8.1 There would appear to be no impact in relation to the level of light reaching the windows of due to the section of hedge opposite those windows being lower than the calculated action hedge height. There is however an impact on the northern part of the garden at opposite the section of hedge made up of beech hedging. The calculations undertaken as per the BRE guidance identify that the current height of the hedge is having a significant impact on the level of

light reaching the garden and windows of [REDACTED]. The outcomes of the calculations suggest that the hedge should be reduced in height to alleviate the impacts.

8.2 Whilst the BRE guidance gives a reasonable starting point to assess any impact we are also required to consider whether the height of the high hedge adversely affects the enjoyment of the domestic property which an occupant of that property could reasonably expect to have.

8.3 [REDACTED]

8.3.1 The garden area at [REDACTED] is extensive and various locations within the garden are considered to provide opportunities throughout the day to enjoy sunshine. It is acknowledged that the northern part of the garden at [REDACTED] opposite the section of hedge made up of beech hedging is impacted upon in part due to the height of this section of hedge. However no significant impact has been identified in relation to the section of hedge opposite the conservatory and patio area in relation to light reaching these areas. It is considered that the current section of hedge in this location is lower than the calculated action hedge height.

8.3.2 A reduction in the section of hedge made up of beech hedging will go some way to resolve the impacts on the condition of the lawn and box hedging which is located opposite the hedge. It must however be noted that it is considered that the condition of the lawn and box hedging is also impacted by a hedge within the grounds of [REDACTED]

8.4 [REDACTED]

8.4.1 In the height of summer [REDACTED] loses direct sunlight from around mid-afternoon onwards. The combination of the coniferous hedge which lies along the west boundary of the property and the section of hedge made up of beech hedging which continues beyond the coniferous section of hedge results in the property being in shade for the majority of the afternoon through to dusk. This, as highlighted by the owner of [REDACTED], impacts negatively on the reasonable use of the patio area adjacent to the hedge.

8.4.2 Due to the proximity of the hedge to the property and the patio area the hedge is considered to be overbearing and unsightly.

8.4.3 It is considered that the current height of the hedge is likely to impact on the enjoyment of the property which could reasonably be expected to be had. A reduction in line with the calculated action hedge height would significantly reduce the identified impacts.

8.4.4 It is acknowledged that a reduction to the calculated action hedge height will significantly impact on the health of the coniferous hedge. It is unlikely that the hedge will recover. It is also acknowledged that the needs of each party are not compatible. The retention of the hedge will not resolve the concerns of the applicant whilst the significant reduction of the hedge will impact on the owner's privacy. If no action is prescribed the impact on the applicant will continue in the long-term. Whilst action to reduce the hedge will impact on the

hedge owners privacy this is considered a short-term impact with a number of feasible options available to re-gain any lost privacy. As such I conclude that the hedge should be reduced to alleviate impacts on the applicant.

8.5 Considering the individual cases put forward by each party I see no reason to significantly adjust the calculated action hedge heights.

## **9 Recommendation**

9.1 It is my recommendation that a high hedge notice is served in order to reduce the height of sections of the hedge and to ensure its future maintenance at an appropriate height. Due to different parameters at each of the applicant properties individual recommendations have been made in relation to the section of hedge adjacent to each property.

9.2 [REDACTED]

9.2.1 It is recommended that the initial action is for the hedge adjacent to the property of [REDACTED], where required, to be reduced to a height of 6.5 metres measured from ground level at the base of the hedge.

9.2.2 It is recommended that the preventative action requires the hedge to be maintained at a level below 7 metres measured from ground level at the base of the hedge.

9.3 [REDACTED]

9.3.1 It is recommended that the initial action is for the hedge adjacent to the property of [REDACTED], where required, to be reduced to a height of 2.6 metres measured from ground level at the base of the hedge.

9.3.2 It is recommended that the preventative action requires the hedge to be maintained at a level below 3.3 metres measured from ground level at the base of the hedge.

# Appendix 1 – Calculation Spreadsheet - [REDACTED]

A SPREADSHEET TO CALCULATE ACTION HEDGE HEIGHT		
Only enter data in the green boxes		
Measure distances in metres	Quantities you measure/ look up	Calculated values
<b>GARDEN</b>		
<i>If the garden is not rectangular, or the hedge is shorter than the boundary on which it grows, enter -</i>		
Area of garden (see section 4.2 & 7.ii.a)	1302.2 A	
Effective hedge length (see Figure 3)	45.8 B	
<i>Or, if the garden is rectangular and the hedge grows along the whole length of the boundary on which it is situated, enter -</i>		
Depth of garden	C	
Effective garden depth		(A ÷ B) or C 28.43 C'
<b>Orientation</b>		
Compass direction of hedge from garden (S, NW etc)	sw	
Factor from Table 1 (section 4.2)		0.25 D
Uncorrected action hedge height		(C' x D) 7.11 E
<b>Hedge set back from boundary (section 4.3.1)</b>		
If hedge over 1 metre back from boundary, enter distance between boundary and nearest part of hedge.	F	
<b>Slopes (section 4.3.2)</b>		
Distance between hedge and reference point for slope calculation		(C' ÷ 3) 9.48 G
If garden slopes, enter height that a point in the garden G metres away from hedge boundary is above the base of hedge (negative number if hedge is higher).	H	
Corrected action hedge height for garden		(E + F + H) 7.11 J
<b>WINDOWS</b>		
<b>Measurements</b>		
Closest distance from hedge to centre of window (section 5)	10.7 K	
If hedge opposite window, or south of a window that faces within 30 deg S of E or W (see sections 5.2-3), write 2 here		
If hedge at right angles to window, write 1 here	2 L	
If hedge at 45 degrees to window, write 1.5 here		
Uncorrected action hedge height for windows		(K ÷ L) + 1 6.35 M
<b>Amendments</b>		
Enter height of floor above ground (if first or above)	N	
If site sloping or stepped, enter height of base of window wall above base of hedge (negative number if hedge is higher)	1 P	
Corrected action hedge height for windows		(M + N + P) 7.35 Q
<b>OVERALL ACTION HEDGE HEIGHT</b> (Lowest of J and Q, or 2 if greater)		7.11

## Appendix 2 – Calculation Spreadsheet – [REDACTED]

A SPREADSHEET TO CALCULATE ACTION HEDGE HEIGHT		
<i>Only enter data in the green boxes</i>		
Measure distances in metres	Quantities you measure/ look up	Calculated values
<b>GARDEN</b>		
<i>If the garden is not rectangular, or the hedge is shorter than the boundary on which it grows, enter -</i>		
Area of garden (see section 4.2 & 7.ii.a)	194.64 A	
Effective hedge length (see Figure 3)	14.7 B	
<i>Or, if the garden is rectangular and the hedge grows along the whole length of the boundary on which it is situated, enter -</i>		
Depth of garden	C	
Effective garden depth		$(A \div B) \text{ or } C$ 13.24 C'
<b>Orientation</b>		
Compass direction of hedge from garden (S, NW etc)	sw	
Factor from Table 1 (section 4.2)		0.25 D
Uncorrected action hedge height		$(C' \times D)$ 3.31 E
<i>Hedge set back from boundary (section 4.3.1)</i>		
If hedge over 1 metre back from boundary, enter distance between boundary and nearest part of hedge.	F	
<i>Slopes (section 4.3.2)</i>		
Distance between hedge and reference point for slope calculation		$(C' \div 3)$ 4.41 G
If garden slopes, enter height that a point in the garden G metres away from hedge boundary is above the base of hedge (negative number if hedge is higher).	H	
Corrected action hedge height for garden		$(E + F + H)$ 3.31 J
<b>WINDOWS</b>		
<i>Measurements</i>		
Closest distance from hedge to centre of window (section 5)	3.4 K	
If hedge opposite window, or south of a window that faces within 30 deg S of E or W (see sections 5.2-3), write 2 here		
If hedge at right angles to window, write 1 here	1 L	
If hedge at 45 degrees to window, write 1.5 here		
Uncorrected action hedge height for windows		$(K \div L) + 1$ 4.40 M
<i>Amendments</i>		
Enter height of floor above ground (if first or above)	N	
If site sloping or stepped, enter height of base of window wall above base of hedge (negative number if hedge is higher)	P	
Corrected action hedge height for windows		$(M + N + P)$ 4.40 Q
<b>OVERALL ACTION HEDGE HEIGHT</b> (Lowest of J and Q, or 2 if greater)		3.31



## Report of Handling – High Hedge Notice Application

**Reference:** ACC/HH/2015/003  
**Date:** 16<sup>th</sup> February 2016  
**Applicant** [REDACTED]  
(on behalf of the [REDACTED])

**Applicant Address:** [REDACTED]  
[REDACTED]  
Glasgow  
G5 [REDACTED]  
[REDACTED]  
Cults  
Aberdeen  
AB15 [REDACTED]

**Owner:** [REDACTED]  
**Hedge Location:** [REDACTED]  
Aberdeen  
AB15 [REDACTED]

**Decision:** Refuse application to serve a High Hedge Notice  
**Site Visit:** 12<sup>th</sup> February 2016

### 1 Overview

1.1 The application consists of a joint application from the residents of [REDACTED], Aberdeen. The application refers to the neighbouring hedge located within the grounds of [REDACTED], Aberdeen.

### 2 The Hedge

2.1 The high hedge referred to in this application is located on the north-west and north- east boundary of the property [REDACTED]. The hedge is approximately 100 metres long and varies in height from approximately 2.0 to 4.6 metres. The hedge is approximately 30 metres in length on the north-west boundary and approximately 70 metres on the north-east boundary.

- 2.2 The hedge is a single species well established beech hedge. The hedge would appear to be regularly maintained on both sides and the top.

### **3 Relevant legislation, policies and guidance**

- 3.1 High Hedges (Scotland) Act 2013  
High Hedges (Scotland) Act 2013 – Guidance to Local Authorities  
Building Research Establishment – Hedge Height and Light Loss

### **4 Pre-application requirements**

- 4.1 Pre-application requirements are considered to have been met by the applicants. Attempts to resolve the matter prior to making an application included various correspondence and two facilitated meetings between the residents of [REDACTED] and [REDACTED].
- 4.2 Whilst it is considered that pre-application requirements were met no third party mediation took place. It was agreed by [REDACTED] representatives and Aberdeen City Council that there was no requirement to engage with a third party mediation service. Both [REDACTED] and [REDACTED] were present at each of the residents meeting. This was considered adequate to ensure constructive discussions took place and that the residents from each group were fairly represented.

### **5 Case for the applicants**

- 5.1 The case for the applicant is based on concerns relating to the level of natural light received into a number of the [REDACTED] apartments located on the north-west and north-east elevations of the property.
- 5.2 The application does not express any concerns relating to light reaching the garden ground on the north-west or north-east elevation.
- 5.3 No other detrimental factors due to the location or height of the hedge has been identified within the application or supporting documents.

### **6 Case for the owners**

- 6.1 The representations received by the residents and owners of [REDACTED] can be summarised as follows;
- 6.1.1 It is considered that the hedge provides a level of privacy for both the residents of [REDACTED] and [REDACTED]. Concerns were raised regarding the current level of overlooking from [REDACTED] residents located in upper floor apartments with further concerns relating to an increase in overlooking from the first floor should the hedge be lowered.

- 6.1.2 Concerns were raised relating to the future outlook from [REDACTED] properties. It was expressed that some residents already view large areas of the [REDACTED]. A decrease in height would increase the area of building that could be viewed resulting in a degraded outlook.
- 6.1.3 The ground floor of [REDACTED] on the north-west and north-east elevation is below ground level and that this in itself would significantly reduce the level of direct light that a resident could expect.
- 6.1.4 Concerns relating to the general degradation of amenity currently enjoyed by the residents of [REDACTED] and those members of the local community that use the space and pass through the space.
- 6.1.5 That the mature trees located in the grounds of the property to the west of [REDACTED] and the two mature trees located at the most northerly point of [REDACTED] are the cause of the lack of direct light.

## **7 Assessment**

- 7.1 The initial assessment involved undertaking a technical assessment to identify any adverse effects that the high hedge may be having on the level of light reaching the applicants apartments. The Building Research Establishment (BRE) guidance on Hedge Height and Light Loss was utilised to identify any adverse impact. A single calculation was undertaken in relation to the north-west elevation. Due to the various off-set distances between the building and the hedge three separate calculations were undertaken along the length of the north-east elevation.
- 7.2 The BRE guidance provides a method for calculating the 'action hedge height'. A hedge which is higher than the calculated 'action hedge height' is likely to be causing a significant loss of light.
- 7.3 The assessment focused on whether the hedge in question was acting as a barrier to light in relation to the level of light reaching the apartments of [REDACTED] on the North-west and north-east elevation. No representations were made relating to impacts on garden ground or other adverse effects.
- 7.4 The table below notes the current hedge heights and the calculated action hedge height for the eight sites surveyed in relation to the impact of the hedge on ground floor and first floor flats. The location of each site is noted on the attached plan.

Site	Floor	Actual Height (m)	Action Hedge Height (m)	Difference
1	Ground Floor	3.40	2.40	+1.00
2-1	Ground Floor	2.20	2.30	-0.10
2-2	Ground Floor	2.00	0.43	+0.77
2-3	Ground Floor	2.00	0.65	+1.35
1	First Floor	4.60	7.80	-3.20
2-1	First Floor	3.20	7.90	-4.70
2-2	First Floor	3.20	6.33	-3.13
2-3	First Floor	3.20	7.00	-3.85

## 8 Appraisal

- 8.1 The BRE calculations would suggest that there is no adverse effect in relation to the level of light reaching the windows of first floor apartments within [REDACTED] on the north-west and north-east elevation due to the section of hedge opposite those windows. However the calculations suggest an impact on three of the sites surveyed in relation to ground floor apartments.
- 8.2 Whilst the BRE guidance gives a reasonable starting point to assess any adverse effect we are also required to consider other factors which may adversely affect the enjoyment of the domestic property which an occupant of that property could reasonably expect to have if these are highlighted within an application and any factors which may influence the calculated action hedge height.
- 8.3 In relation to the point above; the fact that the ground floor apartments are located between 2.0-3.4 metres below ground level must be taken into consideration. As do the facts; that the apartments adjacent the hedge are north-west and north-east facing, there is a mature stand of trees on the western boundary of [REDACTED] which acts as a barrier to light and there are two further mature trees at the most northerly point of [REDACTED] set between the hedge and [REDACTED].
- 8.4 In considering that the hedge surrounding [REDACTED] was in place prior to construction and occupation of the apartments, and that its height would not appear to have materially changed since occupation, the level of light that could be reasonably expected by the occupants of ground floor apartments in this position would be significantly lower than those on the first floor. I do not consider that the occupiers of apartments on the ground floor in this particular circumstance can reasonably expect to benefit from normal light levels as experienced by those who choose to live in a property at ground level.
- 8.5 It is with the above points in mind that has led me to consider that the assessment of the hedge and any subsequent impact should be considered in relation to the apartments located on the first floor which are located at approximately ground level.
- 8.6 In relation to the first floor apartments the calculated action hedge height is significantly higher than the present height of the hedge. This would suggest

that the hedge is not currently adversely affecting the level of light available to the first floor and upper floor apartments that could be reasonably expected.

- 8.7 As the application does not state any other factors, other than the effect on natural light levels reaching the apartments, no further consideration of adverse effects are deemed to be necessary.
- 8.8 The concerns raised by the hedge owners in relation to an increase in overlooking by residents of [REDACTED] and the potential for degraded amenity are acknowledged as reasonable concerns. It is however considered that the actual impacts would be limited due to the current land use and orientation of the majority of [REDACTED] properties. It is acknowledged that some properties would be affected to a greater extent than others and further acknowledged that the level of impact on overlooking and loss of amenity would be directly influenced by the height of the hedge.

## **9 Recommendation**

- 9.1 It is my recommendation that the application for the serving of a High Hedge notice on the properties of [REDACTED] is refused.
- 9.2 The BRE calculations would suggest that the action hedge height is significantly higher than the actual current hedge height. This suggests that the current height of the hedge is not affecting the level of light reaching the apartments of [REDACTED].
- 9.3 The application and supporting documentation did not refer to any other adverse effects of the hedge, other than the effect on natural light levels reaching the apartments. Therefore no further considerations of adverse effects are deemed to be necessary.



## Report of Handling – High Hedge Notice Application

**Reference:** ACC/HH/2015/004  
**Date:** 14<sup>th</sup> April 2016

**Applicant** [REDACTED]

**Applicant Address:** [REDACTED]  
Kingswells  
AB15 [REDACTED]

**Owner:** [REDACTED]  
**Hedge Location:** [REDACTED]  
Kingswells  
AB15 [REDACTED]

**Decision:** Refuse application to serve a High Hedge Notice

**Site Visit date/s:** [REDACTED] – 15<sup>th</sup> March 2016  
[REDACTED] – 22<sup>nd</sup> March 2016

### 1 Overview

1.1 The application for the serving of a high hedge notice has been received by the occupier of [REDACTED] Kingswells, Aberdeen. The application refers to the neighbouring hedge located within the grounds of [REDACTED], Kingswells, Aberdeen.

### 2 The Hedge

2.1 The high hedge referred to in this application is located on the western boundary of [REDACTED]. The hedge is approximately 33 metres long and varies in height from approximately 2.4 to 3.4 metres.

2.2 The hedge is a single species well established conifer hedge. The hedge would appear to be regularly maintained on both sides and the top.

2.3 The eastern face of the hedge has however been extensively cut back resulting in the removal of the majority of the foliage on the side of the hedge facing [REDACTED] the applicants garden.

### **3 Relevant legislation, policies and guidance**

- 3.1 High Hedges (Scotland) Act 2013  
High Hedges (Scotland) Act 2013 – Guidance to Local Authorities  
Building Research Establishment – Hedge Height and Light Loss

### **4 Pre-application requirements**

- 4.1 Pre-application requirements are considered to have been met by the applicant. Attempts to resolve the matter prior to making an application included a number of verbal communications, various written correspondence and an approach from [REDACTED] to SACRO (mediation service).
- 4.2 The hedge owner notified SACRO that he would not be willing to engage in the mediation process.

### **5 Case for the applicants**

- 5.1 The case for the applicant is based on concerns relating to the lack of light reaching the garden and the shadows cast by the hedge. Particular reference was made to the lack of light over the winter period which is considered to be promoting the growth of moss in the lawn.
- 5.2 Reference has also been made to the maintenance burden placed on the applicant and the impact this has on the ability to plant in the border located underneath/adjacent the hedge.
- 5.3 In addition further maintenance concerns have been raised relating to the requirement to use a hedge trimmer from a ladder in order to maintain the hedge at its current height.
- 5.4 Concerns were only raised in relation to the applicant's garden.

### **6 Case for the owners**

- 6.1 The reasons cited for maintaining the hedge at its current height were related to reducing the impacts caused by noise, pollution and visible intrusion from the road located behind the hedge owners garden.
- 6.2 The hedge owner has also made reference to allowing the hedge to increase in height. Citing that since cutting the hedge back to within their boundary they have noticed a significant increase in road noise. In addition the owners have raised concerns relating to future impacts due to the proximity of the Aberdeen Western Peripheral Route to their property.

### **7 Assessment**

- 7.1 The initial assessment involved undertaking a technical assessment to identify any adverse effects that the high hedge may be having on the level of light reaching the applicants garden. The Building Research Establishment (BRE)

guidance on Hedge Height and Light Loss was utilised to identify any adverse impact.

- 7.2 The BRE guidance provides a method for calculating the 'action hedge height'. A hedge which is higher than the calculated 'action hedge height' is likely to be causing a significant loss of light.
- 7.3 The action hedge height was calculated as 4.17 metres measured from the base of the hedge. A copy of the calculation sheet is appended to this document.
- 7.4 The BRE calculations would suggest that there is no adverse effect in relation to the level of light reaching the applicants garden. The hedge, as measured on my site visit on 15<sup>th</sup> March 2016, was approximately 3.4 metres in height. This is significantly lower than the calculated action hedge height (4.17 metres).

## **8 Appraisal**

- 8.1 Whilst the BRE guidance gives a reasonable starting point to assess any adverse effect we are also required to consider other factors which may adversely affect the enjoyment of the domestic property which an occupant of that property could reasonably expect to have, where these are highlighted within an application, and any factors which may influence the calculated action hedge height.
- 8.2 In relation to the lack of light reaching the property; the BRE calculations suggest that the hedge at its current height is not causing a significant loss of light to the garden. My site visit was undertaken on an overcast day and whilst light levels were naturally diminished on that day the hedge did not appear to make any noticeable difference to light levels.
- 8.3 It is acknowledged that the hedge is likely to cast a shadow across the garden on a sunny morning. I would however suggest that the effect from the hedge would be relatively short lived. The effect of the hedge would then likely be over taken in the summer months by the significantly taller trees located to the south, and out with, the hedge owners garden. The overall effect from the hedge and trees would likely dissipate by late morning/early afternoon.
- 8.4 The burden of maintenance on the applicant would appear to be resolved. Two options were proposed by the applicant in an attempt to resolve/reduce the maintenance burden. The first option was to reduce the height of the hedge and the second option to cut the hedge back from the boundary of the hedge owner's garden allowing the hedge to be maintained from the owner's property.
- 8.5 The hedge has now been trimmed to within the boundary of the owner's garden. Whilst the gap is fairly narrow between the hedge and the dividing fence line it would now appear feasible to maintain the hedge from the owners property.
- 8.6 With future hedge maintenance being carried out from the owners garden concerns raised relating to the maintenance burden, concerns relating to having to maintain the hedge from a ladder and the restrictions on the level of planting

feasible in the border adjacent to the hedge, previously restricted due to maintenance access requirements, would appear to have been resolved through the adoption of the proposed second option.

## **9 Recommendation**

- 9.1 It is my recommendation that the application for the serving of a High Hedge notice on the property of [REDACTED] is refused.
- 9.2 It is not considered that the height of the high hedge adversely affects the enjoyment of the domestic property which the occupant of that property could reasonably expect to have.
- 9.3 The BRE calculations would suggest that the action hedge height is significantly higher than the actual current hedge height. This suggests that the current height of the hedge is not adversely affecting the level of light reaching the garden of [REDACTED].
- 9.4 The factors and concerns highlighted within Section 5 – Case for the Applicant would appear to be substantially resolved.
- 9.5 It is acknowledged that the hedge is likely to have some impacts on the applicant's garden in relation to periodic shadow cast and potentially contributing to the promotion of moss in the lawn. However it is not considered that these impacts warrant the serving of a high hedge notice.



## Report of Handling – High hedge Notice Application

**Reference:** ACC/HH/2017/001  
**Date RoH completed:** 12<sup>th</sup> June 2017  
**Date of application:** 1<sup>st</sup> March 2017

**Applicant:** [REDACTED]  
**Applicant Address:** [REDACTED]  
Bridge of Don  
Aberdeen  
AB22 [REDACTED]

**Owner:** [REDACTED]  
**Hedge Location:** [REDACTED]  
Bridge of Don  
Aberdeen  
AB22 [REDACTED]

**Decision:** Notice served  
**Site Visit:** 27<sup>th</sup> April 2017

### 1 The Hedge

1.1 The high hedge referred to in this application is located on the east boundary of the rear garden of [REDACTED], Bridge of Don, Aberdeen. The hedge is formed of a row of Leyland Cypress trees; the hedge is approximately 4 metres in height and extends to 7.9 metres in length.

1.2 The hedge is well maintained and clearly benefits from regular maintenance.

1.3 The hedge has been planted within approximately 30cm of a timber panel fence that divides the two properties and demarks the boundary between the properties. The proximity of the hedge to the property boundary has resulted in the hedge overhanging the property boundary by approximately 0.5 metres.

### 2 Relevant legislation, policies and guidance

2.1 High Hedges (Scotland) Act 2013  
High Hedges (Scotland) Act 2013 – Revised Guidance to Local Authorities  
Building Research Establishment – Hedge Height and Light Loss

### **3 Pre-application requirements**

- 3.1 Pre-application requirements are considered to have been met by the applicant. Attempts to resolve the matter prior to making an application included verbal discussions, written correspondence to the owner outlining the concerns of the applicant and information relating to the High Hedges (Scotland) Act 2013 and an attempt to engage with the owner via a local mediation service was undertaken.
- 3.2 There would appear to be a degree of dispute regarding the attempt to resolve the matter via mediation. It is clear that a mediation service (SACRO) was contacted and made contact with the hedge owner to discuss potential mediation. The hedge owner would appear to have been agreeable to mediation however was not willing to take part in shuttle mediation. Instead the Hedge owner requested that the mediation took place 'face to face'. This did not appear to be agreeable to the applicant. As a method of mediation could not be agreed the mediation service notified both parties that it was not in a position to assist.
- 3.3 It is my opinion that an attempt to resolve the matter has been undertaken prior to applying to the Council for the serving of a high hedge notice. It is regrettable that a method of mediation could not be agreed. The fact that the method of mediation could not be agreed between the two parties leads me to consider that this matter was unlikely to have been resolved without 3<sup>rd</sup> party intervention.
- 3.4 Considering the above I have concluded that the application should be accepted and determined.

### **4 Case for the applicant**

- 4.1 The applicant has outlined a number of issues caused by the lack of light to their rear garden and into their dwelling.
- 4.2 The applicant suggests that the lack of light makes it difficult to make good use of the garden and restricts the ability to grow plants and vegetables. In addition the lack of light prevents the use of the patio area due to the lack of sun in the late afternoon. The applicant has highlighted that the above make it difficult to use the garden for enjoyment.
- 4.3 The applicant has also highlighted that the high hedge restricts natural light into their dwelling necessitating the use of internal lighting and that the high hedge restricts their view from the top floor windows.

### **5 Case for the owner**

- 5.1 The owner of the high hedge has not stated a case for the retention of the hedge and has instead focused on correcting what he considers to be inaccuracies relating to previous attempts to resolve the matter and inaccuracies within the applicants application form.
- 5.2 In addition the owner of the hedge has sought to present his opinion on the extent of the impact of the hedge on his neighbours.

## 6 Assessment

- 6.1 The hedge owner has concluded that the application for the serving of a High Hedge notice is baseless, frivolous, defamatory and invalid. The main reasons for these statements are that the:
- applicant has been unable to produce any reasons why the hedge has a negative effect on the enjoyment of his house;
  - request to cut down the hedge has no serious purpose or value;
  - applicant has presented false statements and made accusations against the hedge owner; and
  - applicant has intentionally presented false and misleading information.
- 6.2 Whilst it is in the interest of the Council to establish the accuracy of any statements that are made within an application for the serving of a High Hedge notice and those made in response to an application it is reasonable to restrict our interest to those statements that may affect the outcome of our deliberations.
- 6.3 It would appear to me that the majority of differences between the information given by both parties are based on individual's interpretation of the extent of the issue and subsequent impact. I do not consider that it has been the intention of either party to deliberately misinform the council. I note the areas of greatest dispute are those areas that the Council will investigate and take an independent decision on.
- 6.4 The initial assessment involved undertaking a technical assessment to identify the impact that the high hedge may be having on the applicant's garden ground in relation to the loss of light. The Building Research Institute (BRE) guidance on Hedge Height and Light Loss was utilised to identify any adverse impact.
- 6.5 The BRE guidance provides a method for calculating the 'action hedge height'. A hedge which is higher than the calculated 'action hedge height' is likely to be causing a significant loss of light.
- 6.6 The action hedge height was calculated as 3.23 metres. The current hedge height is approximately 4 metres. In line with the BRE guidance the calculated height should be further reduced to take into account annual growth. The guidance recommends a further reduction of between 60 centimetres to one metre to allow for growth of the hedge between cuttings. This would result in an initial action height of between 2.23 – 2.63 metres. A copy of the standard calculation sheet is appended to this document, see appendix 1.
- 6.7 The applicant has identified a number of impacts that relate to the lack of light received to their garden and dwelling due to the hedge. A number of these claims have been refuted by the hedge owner. The hedge owner considers that his dwelling is acting as a barrier to light and not the hedge. This is based on his use of the shadow analysis tool available at [www.suncalc.net](http://www.suncalc.net).
- 6.8 The applicant has undertaken a similar analysis utilising the above tool and has come to the conclusion that the hedge acts as a barrier to light at certain times of year and at certain times of day.

- 6.9 It would appear that the discrepancy between the two parties claims are dependent on the time of year that the analysis is undertaken. Whilst the above tool has it uses it is clear that it can be manipulated to give both the best case scenario and if so inclined a worst case scenario.
- 6.10 My opinion is that the hedge owners dwelling is likely to act as a barrier to light at certain times of year and at certain times of day. However I also consider that the hedge is also likely to act as a barrier to light at times when the dwelling is not acting as the barrier.
- 6.11 The hedge owner was given the opportunity to comment on the contents of the application and provide any supporting information pertaining to the requirement for retaining the hedge at its current height. Whilst a representation was submitted by the owner no reason was given for the current height of the hedge or why it should be maintained at its current height.

## **7 Appraisal of evidence**

- 7.1 The calculations undertaken as per the BRE guidance identify that the current height of the hedge is having a significant impact on the level of light reaching the rear garden of [REDACTED]. The outcome of the calculations is that the hedge should be reduced in height to alleviate the impact.
- 7.2 Whilst the BRE guidance gives a reasonable starting point to assess any impact we are also required to consider whether the height of the high hedge adversely affects the enjoyment of the domestic property which an occupant of that property could reasonably expect to have.
- 7.3 Given the limited scope to receive sunlight to the rear garden of [REDACTED], due to the orientation of surrounding buildings, I consider that it is reasonable to expect to receive the limited evening sun that would otherwise be available to the occupants if it were not for the location and height of the high hedge at [REDACTED]. It is clear to me that the enjoyment of the garden ground by the occupants of [REDACTED] is significantly restricted due to the current height of the hedge.
- 7.4 The representation received by the owner of the hedge made no case for the retention of the hedge at its current height.
- 7.5 It is widely accepted that a hedge of 2 metres in height is sufficient to provide privacy on a level site from neighbouring ground-floor windows and gardens. Considering the applicant has made no representation regarding the need to maintain the hedge at a specific height I see no reason that the hedge should not be reduced to a height that still affords all parties privacy but does not impact on the applicant and their enjoyment of their garden.
- 7.6 A greater reduction in height than identified by the BRE Guideline calculations will result in the removal of the hedge branches that currently overhang the garden of [REDACTED].

7.7 In summary I consider that the high hedge has a significant impact on the levels of light reaching the garden ground of [REDACTED] and interferes with the enjoyment of the garden that the occupants should reasonably expect to have.

## **8 Recommendation**

8.1 It is my recommendation that a high hedge notice is served in order to reduce the height of the hedge and to ensure its future maintenance at an acceptable height.

8.2 The high hedge notice will state an initial action to reduce the overall height of the hedge to no more than 2.0 metres or less above ground level at the base of the hedge. The compliance period will require the initial action to be undertaken by 30<sup>th</sup> September 2017. This will allow sufficient time to organise the works, and allow sufficient time for the works to be undertaken after the bird breeding/rearing season has ceased at the end of August. The action could be undertaken prior to the end of the bird breeding season, however prior to proceeding with the works the owner should ensure that there are no birds nesting within the hedge.

8.3 A further action, the preventative action, will require the hedge to be maintained at a height of 2.5 metres or less above ground level at the base of the hedge. This should ensure that only a single cut every year is required to maintain the hedge below 2.5 metres at all times.

## Appendix 1 – Standard Calculation Spreadsheet

A SPREADSHEET TO CALCULATE ACTION HEDGE HEIGHT		
Only enter data in the green boxes		
Measure distances in metres	Quantities you measure/ look up	Calculated values
<b>GARDEN</b>		
<i>If the garden is not rectangular, or the hedge is shorter than the boundary on which it grows, enter -</i>		
Area of garden (see section 4.2 & 7.ii.a)	73 A	
Effective hedge length (see Figure 3)	7.9 B	
<i>Or, if the garden is rectangular and the hedge grows along the whole length of the boundary on which it is situated, enter -</i>		
Depth of garden		
Effective garden depth		(A ÷ B) or C 9.24 C'
<b>Orientation</b>		
Compass direction of hedge from garden (S, NW etc)	w	
Factor from Table 1 (section 4.2)		0.35 D (C' x D)
Uncorrected action hedge height		3.23 E
<b>Hedge set back from boundary (section 4.3.1)</b>		
If hedge over 1 metre back from boundary, enter distance between boundary and nearest part of hedge.		
<b>Slopes (section 4.3.2)</b>		
Distance between hedge and reference point for slope calculation		(C' ÷ 3) 3.08 G
If garden slopes, enter height that a point in the garden G metres away from hedge boundary is above the base of hedge (negative number if hedge is higher).		
Corrected action hedge height for garden		(E + F + H) 3.23 J
<b>WINDOWS</b>		
<b>Measurements</b>		
Closest distance from hedge to centre of window (section 5)	8.7 K	
If hedge opposite window, or south of a window that faces within 30 deg S of E or W (see sections 5.2-3), write 2 here		
If hedge at right angles to window, write 1 here	2 L	
If hedge at 45 degrees to window, write 1.5 here		
Uncorrected action hedge height for windows		(K ÷ L) + 1 5.35 M
<b>Amendments</b>		
Enter height of floor above ground (if first or above)		
If site sloping or stepped, enter height of base of window wall above base of hedge (negative number if hedge is higher)		
Corrected action hedge height for windows		(M + N + P) 5.35 Q
<b>OVERALL ACTION HEDGE HEIGHT</b> (Lowest of J and Q, or 2 if greater)		3.23

**Appendix 2 – Adapted Calculation Spreadsheet**

## A SPREADSHEET TO CALCULATE ACTION HEDGE HEIGHT

Only enter data in the green boxes

Measure distances in metres	Quantities you measure/ look up	Calculated values
<b>GARDEN</b>		
<i>If the garden is not rectangular, or the hedge is shorter than the boundary on which it grows, enter -</i>		
Area of garden (see section 4.2 & 7.ii.a)	<input type="text" value=""/>	A
Effective hedge length (see Figure 3)	<input type="text" value=""/>	B
<i>Or, if the garden is rectangular and the hedge grows along the whole length of the boundary on which it is situated, enter -</i>		
Depth of garden	<input type="text" value="7.4"/>	C
Effective garden depth		$(A \div B)$ or C <input type="text" value="7.40"/> C'
<b>Orientation</b>		
Compass direction of hedge from garden (S, NW etc)	<input type="text" value="sw"/>	
Factor from Table 1 (section 4.2)		<input type="text" value="0.25"/> D $(C' \times D)$
Uncorrected action hedge height		<input type="text" value="1.85"/> E
<i>Hedge set back from boundary (section 4.3.1)</i>		
If hedge over 1 metre back from boundary, enter distance between boundary and nearest part of hedge.	<input type="text" value=""/>	F
<b>Slopes (section 4.3.2)</b>		
Distance between hedge and reference point for slope calculation		$(C' \div 3)$ <input type="text" value="2.47"/> G
If garden slopes, enter height that a point in the garden G metres away from hedge boundary is above the base of hedge (negative number if hedge is higher).	<input type="text" value=""/>	H
Corrected action hedge height for garden		$(E + F + H)$ <input type="text" value="1.85"/> J
<b>WINDOWS</b>		
<i>Measurements</i>		
Closest distance from hedge to centre of window (section 5)	<input type="text" value=""/>	K
If hedge opposite window, or south of a window that faces within 30 deg S of E or W (see sections 5.2-3), write 2 here		
If hedge at right angles to window, write 1 here	<input type="text" value=""/>	L
If hedge at 45 degrees to window, write 1.5 here		
Uncorrected action hedge height for windows		$(K \div L) + 1$ <input type="text" value=""/>
<i>Amendments</i>		
Enter height of floor above ground (if first or above)	<input type="text" value=""/>	N
If site sloping or stepped, enter height of base of window wall above base of hedge (negative number if hedge is higher)	<input type="text" value=""/>	P
Corrected action hedge height for windows		$(M + N + P)$ <input type="text" value=""/>
<b>OVERALL ACTION HEDGE HEIGHT</b> (Lowest of J and Q, or 2 if greater)		<input type="text" value="2.00"/>