

Planning and Environmental Appeals Division

Appeal Decision Notice

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High Hedges (Scotland) Act 2013

Appeal under section 12(1)

[REDACTED]

Decision

I quash the decision by Argyll and Bute Council that there is no adverse effect from the high hedges and that no action should be taken in relation to the high hedges; and I issue a high

[REDACTED]

[REDACTED]

2 The appellants live in the upper villa flat situated to the east of the tree lined lane. Most of the area to the rear of these 4 villa flats is a shared drying green, but the appellants have exclusive use of a strip of ground directly abutting the eastern hedge, extending from a location close to the rear of the villa block to the northern boundary of the property. This strip forms a garden area.

3 The appellants do not dispute the element of the council's decision notice that states that the high hedges do not cause a reduction of daylight in the rear habitable rooms of the villa block.

4 The main points put forward in support of the appeal are :

The appellants' main objective is to have good use of their dedicated garden area

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during the main summer months, especially in the afternoons and evenings.

- Both hedges comprise closely spaced trees and shrub growth that form a dense



[REDACTED]

- The matter at appeal requires an assessment of overshadowing blocking light to the [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

6. The main points put forward by the hedge owners are

The tree lined lane is a valued feature of these properties, which have a quiet location off the main road

- The trees provide a habitat for wildlife.
- The trees are regularly trimmed
- The photographs supplied by the appellants show that their garden enjoys a generous spell of sunshine when not blocked by their own dwelling.
- Trees to the east cause a certain amount of shading first thing in the morning.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

9 With regard to the western hedge, on which the council makes little comment, this too comprises closely spaced trees and branches. Although it is a little lower in height than the eastern hedge, it contains a significantly larger proportion of evergreen species. It is located only about 3m away from the eastern hedge and the property boundary and is

[REDACTED]

10 Turning to the question of reasonable enjoyment of the property, I agree with the

[REDACTED]

11 The council does not accept that the hedges cause an unacceptable level of overshadowing in the appellants' garden area. This is based on the extent of shadowing

[REDACTED]

branches that there would be a significant blockage of light when the trees are in leaf, and this is confirmed by the appellants' photographs taken during the summer months.

[REDACTED]

12 The council also has concerns about the potential impact on local amenity, both for

[REDACTED]

by the much increased practical enjoyment that the appellants would derive in making use of their garden in fine summer weather.

14. I consider that the reduction in the hedge heights would make little difference to the peace and privacy of the houses at the rear. The houses would continue to enjoy a secluded off street location. The hedges do not currently screen views between number 127A and the villa flats at numbers 129 and 131 East Princes Street, while number 127 is set well back from number 125

15 With regard to public views of the reduced tree lines, there is only a brief glimpse of these hedges from the public roadway, the most notable features being the neat hedges

16 I have also considered the potential effects on wildlife. I decided that the [redacted]

17 Drawing these matters together, for the reasons given above I conclude that each of these lines of trees constitutes a high hedge, and that each of these hedges forms a barrier to light. I also conclude that although there would be no loss of daylight in the habitable rooms at the rear of numbers 129 and 131 East Princes Street, the loss of light in the [redacted]

18 Although part of the garden is affected by the shadow of the residential building in [redacted]

19 A small conclusion is that the presence of the two high hedges adversely affects [redacted]

20 I have considered all the matters raised but I find that they do not alter my conclusions

Richard Hickman

Reporter



Richard Hickman

Reporter

Notes

1. This notice is binding on every person who is for the time being an owner of the neighbouring land specified in the notice.

2. This notice has been copied to Aravll and Bute Council. every owner/occupier of the

[REDACTED]

