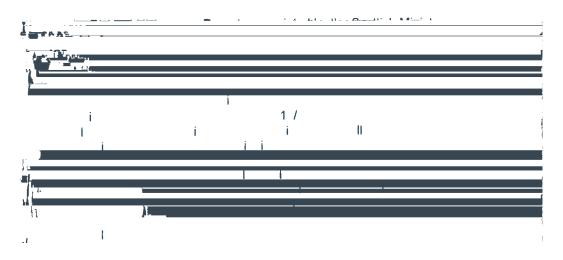
Appeal Decision Notice

T: 01324 696 400 F: 01324 696 444 E: dpea@gov.scot

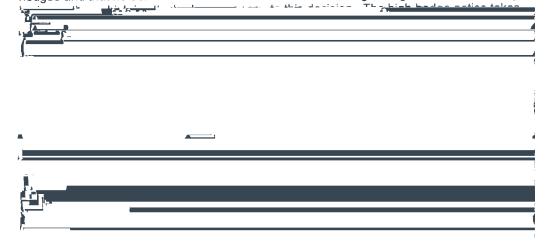
High Hedges (Scotland) Act 2013

Appeal under section 12(1)



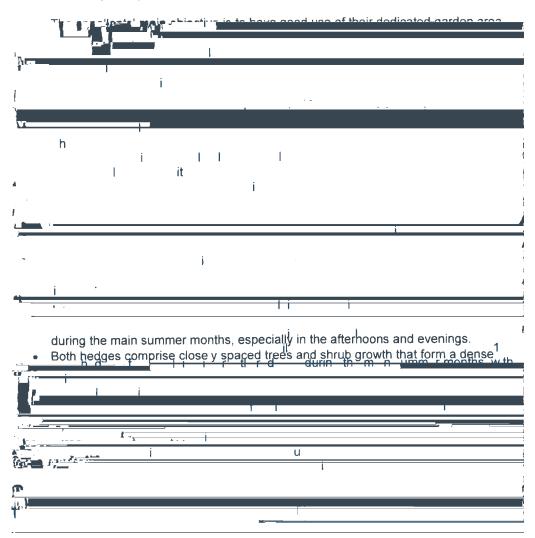
Decision

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

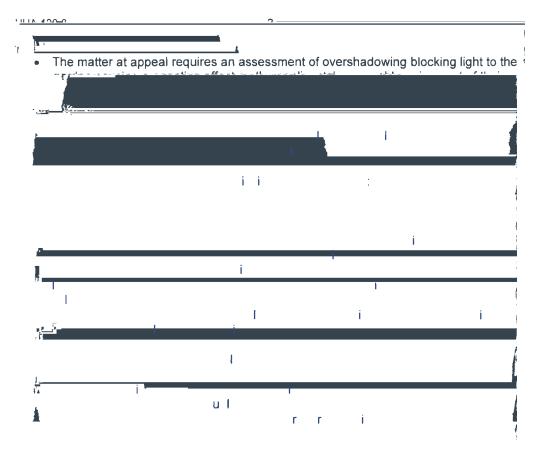


Planning and Environmental Appeals Division 4 The Courtyard, Callendar Business Park, Falkirk, FK1 1XR DX 557005 Falkirk www.gov.scot/Topics/Planning/Appeals HHA-130-3 2

- 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 :



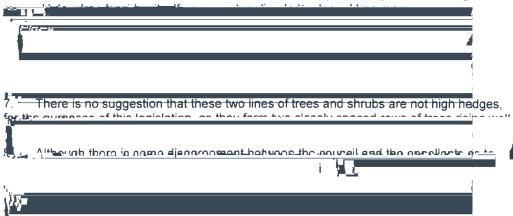




6. The main points put forward by the hedge owners are

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.



- 19E		SI	<u> </u>		65
			1	±,	93
	9 With regard to the western hedge, on which the council makes little comment, this comprises closely spaced trees and branches. Although it is a little lower in height that	s too n the	20 11		
111 2	eastern hedge, it contains a significantly larger proportion of evergreen species. It is		D		,
ter s		J. J. E.	400		
	The state of the s				
×.					
					ik :
				,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	3%
					ij.
1111	Q Tursing to prevolues not of reason spie enjoyment of the ocoperiy. Lagree with the	8			
п- л -	The state of the s			00_AVJU88	ų.
			W.		Щ
, ,,,		<mark></mark> _	·	100 M 300 M	W!
W MASS				Town The Late	
<u> </u>					
	u u				
	11 The council does not accept that the hedges cause an unacceptable level of	2			
	United Strong Barren and Strong Land Constitution and Con				
	t i	il			
	branches that there would be a significant blockage of light when the trees are in leaf, a	and			
	this is confirmed by the appellants' photographs taken during the summer months.i ti				
	<u>\$</u> ** a				
		ţ			
		4			
	The exceed also has concern about the notantial impact on local association hoth				
	i e e				
	lea-				

HHA-130-3 5

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
- 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



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



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

Richard Hickman

Reporter

High Hedge Notice

HIGH HEDGES (SCOTLAND) ACT 2013

This is a high hedge notice issued under section 16(1)(a)(i) of the High Hedges (Scotland) Act 2013 following the decision of the Scottish Ministers under section 14(1)(b) of the Act to (ii The domestic property adversely affected by the high hedge: 129 East Princes Street, Helensburgh G84 7DW InitiaLaction to be taken by the owners of the neighbouring land: Reduce the height of 5 Compli nce perio : The period within witch he initial action us be aken is both hedges to a height no greater than two metres when measured from the base of e hedges on the neighbouring land. 8 In the event of a failure to comply with this notice, Argyll and Bute Council is entitled to authorise a person to take action under section 22 of the Act, and may recover the expenses of that action

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.

