



BRIEFING NOTES TO ASSIST WHEN ADVISING WHETHER A HEDGE COULD POTENTIALLY BE CAUSING A PROBLEM

Below is a table of initial questions which must be asked in order to establish whether a hedge is a hedge to which Part 8 of the Anti-social Behaviour Act 2003 applies.

Questions to be asked	Yes	No
Does the hedge act to some degree as a barrier even though it may have some gaps in it?		
Are there two or more trees or shrubs in it?		
Are these roughly in line?		
Is the hedge comprised wholly or predominately of evergreen or semi-evergreen trees or shrubs?		
Is the hedge over two meters in height?		
Does the hedge because of its height adversely affect the reasonable enjoyment of the home or garden?		
Have attempts been made to resolve the problem already?		
If the answer to 7 is yes; is there documented evidence that can be provided to confirm this?		

If the answer to all these questions is yes then it is likely to be a hedge for the purposes of the Act and action may be possible by the local authority.

Questions 2,3,4,5,7 and 8 are reasonably straight forward and not subjective. However, questions 1 and 6 do have a degree of subjectivity to them. It is important that the legislation is enforced in an impartial and consistent manner therefore simple guidance notes are provided below to assist.

1. 2 metres above the ground should be measured from the ground where the hedge is growing, this will usually be on the hedge owners side. Even if the complainants property is at a lower level than the land where the hedge is growing the 2 metres should be measured from the ground where the hedge is growing.

2. The effects of roots causing damage to paths, patios or drains or drawing nutrients from the soil is not something which is covered by the legislation.
3. The legislation only deals with problems relating to the height of the hedge. Problems associated with the width of the hedge would not normally be considered as people in neighbouring properties have a right to cut overhanging branches back to the boundary. However, if the hedge is so tall that it would not be reasonable to cut the branches back without specialist equipment or professional help and the overhanging branches significantly restricts a useable area of the garden then this may be taken into consideration.
4. Obstruction of light (windows). The officers would use a calculation devised by the Building Research Establishment (BRE) to determine if the height of the hedge is adversely affecting light in a property. However, as a rule of thumb if artificial light is required in main living rooms (not bathrooms) in order to undertake normal domestic tasks on a reasonably bright day then there may be a problem.
5. Obstruction of light (gardens). The officers would use a method of calculating whether an evergreen hedge is likely to cause a significant loss of light to a garden. However, as a rule of thumb if the garden is substantially (in excess of 60%) shaded by the hedge but not taking into account shading from other sources such as buildings or isolated trees, then there may be a problem.
6. Visual amenity. If the hedge gives a feeling of dominance and overbearing there may be a problem. There is no right to a view therefore this cannot be considered on its own. If however the hedge is the dominant factor in the garden and also blocks a view or access to the skyline then this may be a consideration. Each case will have to be judged on its own merits and factors such as the general characteristics of the area should be taken into consideration e.g. if the area is generally open it may be unreasonable to be boxed in by a hedge.
7. The Council should seek a balance between the competing rights of neighbours to enjoy their respective properties, therefore if the hedge has an impact but the amenity it affords the hedge owner outweighs the amenity taken away from the complainant then a Notice shouldn't be issued. Lesser work to mitigate could be considered. It is important to always assess the problem from the point of view of the hedge owner and the complainant and remain impartial at all times.