

Report

Report to:	Planning Committee
Date of Meeting:	13 February 2018
Report by:	Executive Director (Community and Enterprise Resources)

Application No	HM/17/0536
Planning Proposal:	Application Regarding a High Hedge Situated Along the South West Boundary of Silverwood Court, Bothwell

1 Summary Application Information

- Application Type : High Hedge application
- Applicant : Liz Polombo
- Location : Silverwood Court,
25 Langside Road
Bothwell
G71 8NQ

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) High hedge Notice - to be served.

2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine the application

3 Other Information

- ◆ Council Area/Ward: 16 Bothwell and Uddingston
- ◆ Representation(s):
 - ▶ 0 Objection Letters
 - ▶ 0 Support Letters
 - ▶ 0 Comments Letters
- ◆ Consultation(s):
Arboricultural Services

High Hedge Report

1 The hedge and its surroundings

- 1.1 The property is located within an established residential area and is, therefore, bounded by residential properties. The hedge is owned by the dwelling house at 25 Langside Road, Bothwell and the properties that are affected by the high hedge referred to in this application are 12 flats at Silverwood Court, Langside Road which sit immediately to the east of the high hedge. Silverwood Court consists of two blocks; the front block is three storeys high and faces on to Langside Road, the second block sits behind and is two stories high. The blocks are separated by a car park and there are two areas of amenity space to the extreme front and rear of the site. Given the movement of the sun together with the scale of the high hedge, it is suggested that the trees at 25 Langside Road restrict light to the car park and the windows of a number of flats at Silverwood Court.
- 1.2 The high hedge referred to in this application is a row of Leylandii trees which are approximately 7.5 metres in height at the south east end of the row dropping to approximately 6 metres in height to the north west end of the row and extending approximately 17.5 metres along the north eastern side boundary of 25 Langside Road and the adjacent flats at Silverwood Court. The property at 25 Langside Road consists of a two storey dwellinghouse with a conservatory to the rear and a relatively large garden, which sits on land approximately one metre higher than Silverwood Court. The block of flats on Langside Road sit approximately 3.5 metres further back than the house and the hedge itself forms the boundary of the house garden and the car parking area of the flatted development.

2 Relevant Policies and other Legislation

- 2.1 Under the High Hedges (Scotland) Act 2013, a high hedge is:
 - formed wholly or mainly by a row of two or more trees or shrubs,
 - rises to a height of more than 2 metres above ground level, and
 - forms a barrier to light
- 2.2 In this case, having assessed the information submitted as part of this application, I am satisfied that the hedge is a high hedge as defined under the High Hedges (Scotland) Act 2013 and should be determined as such.

3 Case for the Applicant

- 3.1 The applicants (the owners of the flats at Silverwood Court) have stated that the high hedge forms a formidable barrier both to light and outward aspect which adversely affects the reasonable enjoyment of all 12 flats within Silverwood Court. It is stated that the hedge is overbearing and obliterates any view of the sky to the west and deprives a number of flats of both daylight and sunlight to the extent that artificial light is often required during daylight hours. It is also noted that one flat has reported that the hedge adversely affects their satellite dish and the resident often has no signal.
- 3.2 The residents of Silverwood Court had the hedge cut back and reduced in height in 2006 on the basis that the owners would maintain the lowered height, however, no further maintenance has occurred. They have since had their factors issue two letters to the hedge owner requesting they reduce the height of the hedge.

4 Case for the Hedge Owner/Occupant

- 4.1 The owner of the hedge has stated that the trees provide security and privacy for their property and protect their garden from high winds and noise from traffic in the flats' courtyard/car park. Additionally, they have highlighted that the trees were in place prior to the flats at Silverwood Court being built and provide a nesting environment for birds.
- 4.2 The owners state that there has been no attempt to resolve any issues regarding the hedge with them and they have not been asked to attend mediation. Since receiving the notice of the high hedge application, the owner says they have spoken to some of the residents of Silverwood Court and they do not believe that the applicant speaks for all 12 flats as stated in the application form. They have also highlighted that there was never any agreement that they would maintain the hedge at the height it was reduced to in 2006.

5 Representations/Consultations

- 5.1 No representations have been received from third parties.
- 5.2 The Council's Arboriculture Manager has visited the site and agrees that the hedge should be reduced in height. He has advised that the difference in height and ground levels between the three buildings make the issue of a suitable hedge height less than straight forward but he would suggest somewhere between 4.25 and 5.25 metres would be appropriate. He has also highlighted that the side growth of the hedge has considerable impact on the flats and having this carefully trimmed back would be extremely worthwhile.

6 Appraisal of the evidence

- 6.1 Taking into account site visits that were undertaken to Langside Road and a number of photographs of the hedge it is considered that the high hedge casts a shadow over the flats and car park due to its height and thickness for a significant period of the day. It would appear that a number of flats immediately next to the hedge are affected by shadow and the sheer size of the hedge and this is considered to have an adverse impact on the applicants' residential amenity. It would be reasonable to suggest that a lack of light to the rooms nearest the hedge may also impact on the quality of life and the enjoyment of these flats. However, despite the impact on Silverwood Court, this hedge serves a purpose protecting the privacy of the owners of the dwellinghouse's rear garden and, therefore, the amenity of both the house at 25 Langside Road and the flats must be considered.
- 6.2 The applicants have provided a timeline of attempts to resolve the matter without the Council's involvement and a copy of a letters sent to the hedge owners from the factors requesting that the trees be reduced in height and size. However, the hedge owners dispute these attempts.
- 6.3 Leylandii is a hybrid and not a British native species. It is fast growing and therefore can be difficult to maintain and it has limited habitat and conservation value. As such, I am satisfied that this hedge gives limited character to the residential amenity of the area.

7 Conclusion and recommendation

- 7.1 This application relates to a high hedge located along the boundary of 25 Langside Road, Bothwell and Silverwood Court, Langside Road, Bothwell. The high hedge in this instance is a row of Leylandii trees approximately 17.5 metres long and approximately 6-7.5 metres in height. Whilst the trees provide screening to the

garden of 25 Langside Road they do not have any particular amenity value and by virtue of their height and mass it is considered that they cause significant overshadowing of the adjacent properties at Silverwood Court. It is, therefore, considered that there is a significant adverse impact on residential amenity caused by the existing high hedge.

- 7.2 The applicants residing at Silverwood Court have demonstrated that reasonable attempts have been made to resolve this matter prior to the submission of this application.
- 7.3 Having consulted the Council's Arboriculture Manager, it is agreed that radical pruning would remove the growing green parts of the trees and as conifer species do not re-grow from woody stems, this would leave a potential eyesore. It is, therefore, recommended that the trees are reduced to 5 metres in height, from the ground level of the owner's garden, and thereafter maintained at this level.
- 7.4 It is also recommended that the width of the hedge is reduced as this would provide a significant improvement to the oppressive and overbearing size of the hedge as seen from the windows of a number of flats. This is outwith the scope of the high hedge legislation, however the owners of the flats are entitled to cut back anything that overhangs into their property. The Council's Arboriculture Manager has recommended that trimming back the side growth by up to 0.75 metres to avoid leaving dead growth that will not regenerate would be beneficial. This would greatly improve the situation with regard to amenity within the flats however would allow the protection of amenity and privacy of the dwellinghouse at 25 Langside Road.
- 7.5 Consequently, it is required that work is carried out by the owner of 25 Langside Road to reduce the height of the hedge, marked in red on the plan attached to the notice for the avoidance of doubt, to 5 metres and thereafter it should be maintained on a biannual basis. These works shall be carried out by 30th June 2018. It is, therefore, considered appropriate that a High Hedge Notice is served on the owner of the hedge at 25 Langside Road in accordance with The High Hedges (Scotland) Act 2013.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

30 January 2018

Previous References

- ◆ None

List of Background Papers

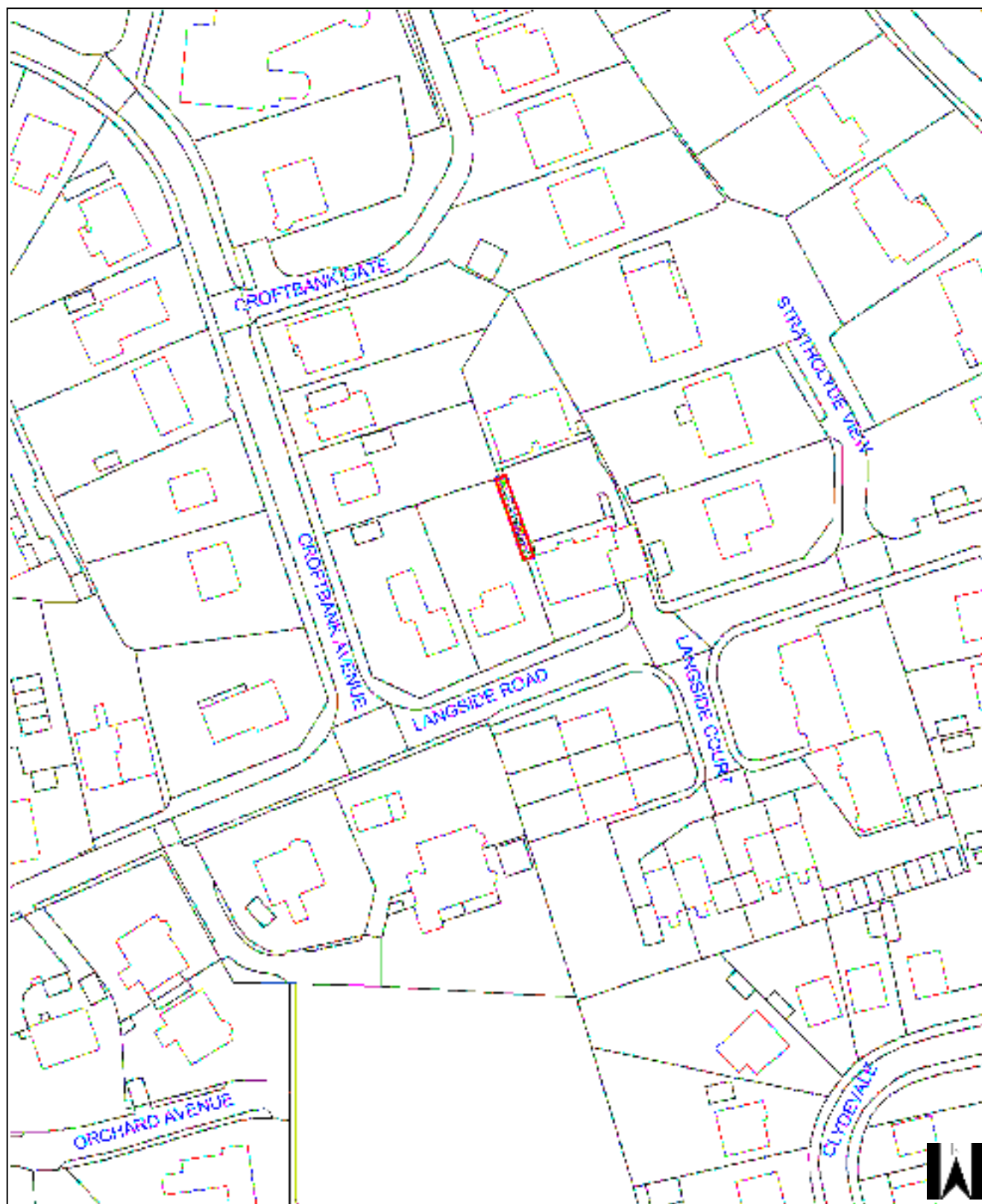
- ▶ Application Form
- ▶ Application Plans
- ▶ Supporting Documentation

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

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