ANTI-SOCIAL BEHAVIOUR ACT 2003 – SECTION 8

CASE REPORT – HH558

Complaint about a High Hedge at 4 Abbots Close, Wix CO11 2RW

1.0 PURPOSE OF THE REPORT

The purpose of the report is to collate and assess the evidence and information gathered by the Council in relation to a complaint about the high hedge situated at 4 Abbots Close, Wix, Essex, CO11 62RW. The complaint alleged that that the hedge is adversely affecting the enjoyment of the house and garden serving the domestic property known as 6 Wheelwrights, Wix, Essex CO11 2 BG.

2.0 THE HEDGE AND ITS SURROUNDINGS.

A site visit to the complainant's property was carried out at 11am on 10 August 2026 at which time the weather was bright and sunny with a moderate breeze and partial cloud cover. The hedge is situated within the curtilage of 4 Abbots Close and adjacent to the southern boundary of the rear garden of 6 Wheelwrights. It consists of 5 evergreen conifers; Leyland Cypress (Castlewellan).

The overall the length of the hedge is 4m and it runs along the full width of the complainant's garden. It is 5m tall and approximately 3m wide.

From a visual inspection from the ground the hedge appears to be in good condition. The general appearance and foliage density of the hedge is broadly consistent with other hedges of this species.

The complainant's garden is set to paving and does not contain any significant trees, shrubs or other features.

An inspection of the hedge from the owner's property was carried out at 3.30pm on 12 August 2026 at which time the weather conditions were bright and sunny.

The hedge owners garden is set to grass with a few established trees.

3.0 RELEVANT POLICIES AND LEGISLATION

The subject hedge has not been planted under a condition of an approved planning consent and is not required to be retained to comply with a planning condition.

4.0 CASE FOR THE COMPLAINANT

Information provided on the complaint form completed by the complainant.

- *These large, mature conifers inflict terrible darkness in my sitting room and patio garden.*

- *My garden is rendered useless because of the oppressive nature of the trees and the way in which they block the light.*

- *The hedge also makes the patio difficult to keep clean owing to the tannins released creating very bad and unsightly stains.*

5.0 CASE FOR THE OWNER/OCCUPIER OF THE LAND ON WHICH THE HEDGE IS SITUATED

The owner of the hedge has not completed the formal questionnaire sent to them in relation to this complaint however they have stated the following in an email date 20 July 2026.

- *There have been birds nesting in the trees, and I would like to say that we are happy to bring the trees down in height slightly, but we will not be taking them right down or down significantly as there are several houses in a row and these trees act as privacy.*

- *I have three children who play down that end of the garden and the trees need to stay for privacy purposes.*

6.0 CASE FOR OTHER INTERESTED PARTIES/RESULTS OF CONSULTATION

No wider consultation has been carried out, and no issues have been raised by third parties

7.0 MAIN CONSIDERATIONS

The Councils role in these cases is to seek to strike a balance between the competing rights of neighbours to enjoy their respective properties and the rights of the community in general, and thereby to formulate a proportionate response to the complaint.

The main considerations in this case are whether the problems complained of are sufficiently serious to justify action being taken in relation to the hedge, bearing in mind the effect such action would have on the property where the hedge is situated and the wider area.

8.0 APPRAISAL

8.1 Light obstruction: Rear Garden

The Council has followed the method in the Building Research Establishment. (BRE) guidelines on 'Hedge height and light loss' for calculating what height a hedge should be in order not to cause unreasonable obstruction of light to windows and gardens.

In respect of the rear garden the results have shown that an Action Hedge Height of .975m would not cause an unreasonable obstruction to light. This indicates that a hedge height above this would cause an unreasonable obstruction to light

The subject hedge is 5m tall making the hedge 4m taller than the Action Hedge Height.

The calculations show that the hedge is having a significant impact on the amount of light reaching the complainant's garden.

8.2 Light obstruction: Rear Window

The results have shown that for the window on the rear elevation of the dwelling an Action Hedge Height of 2.95m would not cause an unreasonable obstruction to sunlight or daylight that reaches the complainants dwelling. As described above the hedge is 5m tall making it 2.05m taller than the Action Hedge Height.

The calculations show that the hedge is having an impact on the amount of light reaching the complainants property.

8.3 Visual amenity

The hedge owner's property is in Abbots Close, and the hedge does not feature in the public realm in Abbots Close. The hedge can be seen from the communal car park serving the dwellings in Wheelwrights but otherwise views are restricted by adjacent dwellings and consequently the contribution that the hedge makes to the amenity of the locality is low.

The current visual amenity value of the hedge is not considered sufficient justification to moderate the works required to control the effect and impact of the hedge on the complaints use and enjoyment of their property

8.4 Plant growth/litter

The complainant has stated that the hedge exudes tannins that are causing staining on their patio. This is an issue that falls outside of the scope of the legislation and therefore cannot be dealt with under this complaint.

8.5 Privacy

The owner of the hedge has stated that the retention of the hedge is required to maintain their privacy when their children are playing in the garden.

In respect of this issue the legislation does not allow a reduction in the height of the hedge that would result in it being less that 2m tall. A hedge of this height would still provide a good level of screening that would prevent overlooking.

8.6 Health of the hedge

From a visual inspection from the ground the hedge appears to be in reasonable condition. It exhibits signs of good vigour and is unaffected by any significant pest or disease attack or infestation.

8.7 Overhanging branches

No issues raised regarding overhanging branches

8.8 Nesting or roosting Birds.

The complainant refers to the benefits that the hedge provides for nesting birds. Therefore, to avoid disturbance to nesting birds any works that may be required to reduce the height of the hedge should be carried out outside the bird nesting season.

9.0 CONCLUSION

The calculations demonstrate that the hedge adjacent to the northern boundary of the owner's property and the southern boundary of the complainant's garden is causing obstruction of daylight and sunlight to the complainant's garden

The calculations also demonstrate that the hedge is causing an obstruction of daylight and sunlight to the complainant's dwelling. This has resulted in there being an adverse effect on the reasonable enjoyment of their property.

The hedge is currently higher than the Action Hedge Height and on balance, the Council believes that the harm caused by the hedge outweighs other factors and that remedial action is required.

After an assessment of the issues raised by both parties and consideration of the evidence gathered during site visits it is considered that the hedge should be reduced to a height of 2m and subsequently maintained at a height not exceeding 2.5m.

The section of the hedge to be reduced is that which is growing along the dividing boundary for the full length of the hedge

Such action would result in a reduction of 3m of the current height of the hedge.

Clive Dawson
Tree and Landscape Officer