



VALE OF GLAMORGAN COUNCIL

THE ANTI SOCIAL BEHAVIOUR ACT 2003

Part 8 – High Hedges

WRITTEN STATEMENT

**Appeal by Mrs. Yvonne Levitt,
Site at 131, Fontygary Road, Rhoose, CF62 3DU**

HIGH HEDGE (APPEAL) (WALES) REGULATIONS 2004

PLANNING INSPECTORATE REF. NO: 3239648

VALE OF GLAMORGAN REF. NO: 2019/00779/HH

**Helen Davies MSc MRTPI
Senior Planning Officer (Enforcement and Appeals)**

**Vale of Glamorgan Council,
Dock Office,
Barry.
CF63 4RT**

1. INTRODUCTION

- 1.1 This appeal relates to the decision of the Vale of Glamorgan Council to refuse to issue a High Hedge Remedial Notice in respect of a hedge at 131, Fontygary Road, Rhoose, CF62 3DU.
- 1.2 An officer undertook a site visit on 23rd August 2019, viewing the site from the rear garden of both 129 and 131 Fontygary Road. A full series of measurements were taken on site, which were annotated onto a site plan. Calculations were then undertaken using the site measurements, in accordance '*High Hedges Complaints System: Guidance (Welsh Government 2005)*' and '*Hedge Height and Light Loss (Building Research Establishment - BRE)*', which specifies the recommended methodology to assess the impact of a high hedge. These documents are provide as appendix A and B to this LPA appeal statement.
- 1.3 The assessment led to a conclusion that it was not considered expedient to issue a High Hedge Remedial Notice to require the height of the hedge to be reduced.
- 1.4 This appeal is submitted by the owner of 129, Fontygary Road, who wishes to see the height of the hedge reduced.
- 1.5 Full details of the site and context, as well as a description of the hedge (including photographs) is set out in the Council determination report, which has already been provided as part of the LPA appeal questionnaire.

2. THE LOCAL PLANNING AUTHORITY'S CASE

- 2.1 The Council determination report, which has already been provided as part of the LPA appeal questionnaire, is comprehensive and sets out in full the reasons for not issuing a Remedial Notice. It is not, therefore, considered necessary to repeat here the arguments or considerations contained in the determination report. The determination report should be considered as the main basis of the LPA case in this appeal.

3. COMMENTS ON THE APPELLANT'S GROUNDS OF APPEAL

- 3.1 All aspects of the appellant's grounds of appeal have already been fully considered in the Council determination report.
- 3.2 However, two anomalies have been noted in the appellants appeal form. Firstly, in answer to question F, Grounds Of Appeal, the appellant has ticked '*3(2)(a) - the notice does not remedy the adverse effect of the high hedge on the complainant's enjoyment of their property or prevent a recurrence of its effect*'. This is not correct. As no Notice has been issues, it is not possible to appeal against the failure of the Notice to achieve a remedy. Secondly, in response to question I Appeal Site Ownership, the appellant has ticked that they are the landowner. Again, this is not correct. The appellants own the neighbouring property at 129 Fontygary Road, but the hedge stands on land at 131 Fontygary Road, which the appellants do not own.

4. CONCLUSION

- 4.1 In the opinion of the Council, as set out in the Council determination report, it is considered that the hedge subject to this appeal is below the action hedge height, as calculated using set guidance, and the hedge does not cause demonstrable harm to the reasonable enjoyment of the neighbouring dwelling house. The height of the hedge is therefore considered acceptable and no action can be justified under section 69 of Part 8 of the Antisocial Behaviour Act 2003.
- 4.2 For the reasons detailed in the report, the Inspector is respectfully requested to dismiss this appeal.