

STATEMENT OF CASE (Your Ref: 3239648)

Repeated requests to the owner of the hedges and trees and foliage along the rear garden boundary between 129 and 131 Fontygary Road have been made over a number of years, in person and in writing, to reduce and maintain the height so that we can enjoy the amenity of the property. Over this period the overall height has increased, with the result that the enjoyment of my amenities has progressively decreased. My requests have included the offer of mediation.

In response to my requests, occasional minimal action has resulted. In April 2019 we informed the owner that a formal complaint was being lodged with the Council. A final request in writing to address our concerns was also delivered. Prior to the council Officer attending for her site inspection, significant pruning of the overhanging vegetation on my side of the boundary was discovered to have been carried out. I did not carry out this pruning. In addition small gaps had been made in the portion of the hedge adjacent to my patio, lounge bow window and balcony.

With heights of up to four metres being allowable, how can we be expected to control any resulting overhang resulting from the rapid growth? The High Hedges Complaints System Guidance (Section Overhanging Branches, para. 5.71) indicates that where the hedge is so high that someone could not reasonably be expected to trim branches that overhang their property and, as a result, they are unable to mitigate the adverse effects of the hedge. A person would probably not be able to trim any part of a hedge over 2.5 metres high without specialist equipment or professional help. Whether or not the problem could be solved by cutting back overhanging branches up to this height would, therefore, be relevant in assessing the impact of the hedge.

We consider ourselves unable to carry out this trimming for hedges of 4 metres high.

- 1) Regarding the loss of light and the impact of what it's like during the winter months has not been considered in this report, when there is a significant additional loss of natural light.
- 2) I feel that it is totally unreasonable that my preferred choice of plants should be restricted and compromised by the height of the allowed hedges and vegetation of this owner.
- 3) I note the representation from the hedge and tree owners regarding privacy between the first floor rear balconies. As part of obtaining Planning permission for my Balcony the Building Inspector at the time (Mr Williams) consulted the owners of [131 Fontygary Road](#) and came to me said " I would not get a balcony unless I screened it".

I elected to have conventional screening as per the plans in the form of galvanised ironwork and opaque perspex screens.

My questions are a) is a Monkey Puzzle Tree deemed a reasonable and legitimate means of providing privacy? b) Was this method of privacy approved by the relevant Authorities? I ask these questions because the Monkey Puzzle tree, combined with the vegetation that grows around it, and its height, is a major contributory factor to the loss of amenity and enjoyment of my property.

Past history of the lack of significant maintenance by the owner has indicated that I could be faced with a repeat of my experience of this year. That is, to achieve any action on the hedge am I faced with the prospect of having to pay out a complaint fee (currently £320) in order for any significant pruning to be carried out? If this is the case, this is totally unreasonable, and I could be faced with having to fund frequent complaints in order to achieve any significant and lasting improvements in amenity. The owner of the hedge by the nature of Complaints Procedure is forewarned of any official visit and can take action.

I foresee that the overhang from the hedge and other vegetation, maintained at a height of 2.5 metres would be controllable within my current abilities and resources. I therefore request that due consideration is given to the issuance of a Remedial Notice requiring the height to be reduced to 2.5 metres.

I attach photographs of hedge overhang and height from previous occasions over the years.