

**THE VALE OF GLAMORGAN COUNCIL**

Dock Office, Barry Docks, Barry. CF63 4RT

Telephone number: (01446) 704656

My Ref.  
2019/00779/HH

When telephoning please ask for:  
Administration

Mr. H. Thomas  
(Owner of Hedge)  
131, Fontygary Road  
Rhoose  
Vale of Glamorgan  
CF62 3DU

9 September 2019

Dear Mr and Mrs Thomas

**Reference Number 2019/00779/HH  
Notification of Complaint Under Part 8 of the Anti-Social Behaviour Act  
2003  
Complaint About a High Hedge Situated at 131, Fontygary Road, Rhoose,  
CF62 3DU**

I refer to the complaint, made under Part 8 of the Anti-social Behaviour Act 2003, about the high hedge situated at 131, Fontygary Road, Rhoose, CF62 3DU. The complaint alleged that the hedge is adversely affecting the enjoyment of the domestic property at 129, Fontygary Road.

The Council has taken into account:

- Representations and other information submitted by the complainant and by you as the owner of the land where the hedge is situated.
- The contribution that the hedge makes to the character and amenity of the area
- The assessment of the site made by a Planning Officer of the Council during and following a site visit on 23 August 2019.

**Main Considerations, Conclusion**

The Council's 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 your property where the hedge is situated and on the wider area.

A full account of the assessment made is available in the report produced under this application. That report can be accessed from the Vale of Glamorgan Council Planning Register at the following link - <http://vogonline.planning-register.co.uk/Plastandard.aspx> and then searching using application number 2019/00779/HH. The report is available under the documents tab.

### **Formal Decision**

The Council has decided that the height of the hedge in question is not adversely affecting the complainants reasonable enjoyment of their property and no action should be taken in relation to the hedge.

### **Reason(s) for Decision**

On the basis of a site assessment, it is not considered expedient to issue a Remedial Notice to require the height of the hedge to be reduced. On a qualitative basis, the hedge is currently lower than the action hedge height so there is no justification to reduce the height on the basis of the loss of light to windows or garden. On a qualitative basis, the hedge is not considered to cause demonstrable harm to the reasonable enjoyment of the dwelling house or impact negatively on the streetscene. The height of the hedge is therefore considered acceptable and no action can be justified under section 69 of Part 8 of the Anti-social Behaviour Act 2003.

### **Right of Appeal**

Both parties have a right of appeal to the Planning Inspectorate against the Council's decision. However, as no remedial Notice is to be served on you, in this case, any Appeal to be made is likely to be by the complainant.

Further information is in the leaflet '*High hedges: appealing against the Council's decision*', a copy of which is enclosed. An appeal must be submitted to the Planning Inspectorate, on their official form, within 28 days from the date of this letter.

The form is available on the Planning Inspectorate website at: <https://gov.wales/planning-inspectorate>

Or from:

The Planning Inspectorate, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ

Inspectorate general enquiries, information about appeals in Wales or copies of decisions:

Telephone - 0303 444 5940

E-mail - [wales@planninginspectorate.gov.uk](mailto:wales@planninginspectorate.gov.uk)

Inspectorate queries relating to online appeals service:

Telephone - 0303 444 5000

E-mail - [pcs@pins.gsi.gov.uk](mailto:pcs@pins.gsi.gov.uk)

The complainant may make an appeal on either of the following grounds:

- That, contrary to the decision of the Council, the hedge in question is adversely affecting their reasonable enjoyment of their property; and/or
- That the adverse effect warrants action being taken in relation to the hedge.

I am copying this letter to the complainants.

Yours faithfully,

**M. J. Goldsworthy**

Head of Regeneration and Planning