

# Over the garden hedge

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## **1. The right hedge**

The right hedge can be an ideal garden boundary but the wrong hedge may bring problems. Whether you own a hedge or are affected by one, use this guide to help you agree what is right for you and your neighbours.

A good hedge has many benefits as a garden boundary. A hedge is a useful weather and dust filter, is inexpensive to create and long-lasting, can encourage wildlife and can be a feature of beauty and interest in its own right. It also offers privacy and security.

If you are planting a new hedge, the leaflet 'The right hedge for you' can help you choose what is best for you and your garden. See Section 6 Further Information for details of how to obtain this and other publications that we mention.

You don't normally need permission to plant a hedge in your garden. And there are no laws on how high you can grow your hedge. See Section 3 Garden Hedges and the Law for more information about legal matters.

But you are responsible for looking after any hedge on your property and for making sure it is not a nuisance to anyone else. This means trimming the hedge regularly, both top and sides. See Section 4 Cutting Comments for more information to help you meet your obligations.

## 2. The wrong hedge - and what to do about it

Problems can occur if a hedge is allowed to grow unchecked.

If you are troubled by someone else's hedge, the best way to deal with the issue is to talk to them about it. Here are some ways to make it more likely that you can agree a solution.

This will work best if you have good relations with your neighbours.

If you do not get on or if the dispute over the hedge is long-running, it might be better to consider mediation straightaway. For more information see [If you can't find the right answer](#), at the end of this section.

### Stage one: be prepared

Before you contact the owners of the hedge, be clear in your own mind about:

- **What the problem is** - for example, the hedge blocks light to the main rooms of your home; it deprives you of winter sunshine; it encroaches on your garden and is affecting the growth of your plants; the hedge is pushing over your fence; the roots are damaging your path, garage or home.
- **How it affects you** - for example, you have to have the lights on for longer; your garden is in shade for much of the day; it will cost you £x to replace your fence only for the hedge to knock it over again; you are afraid someone will trip on the broken path or drive; it will cost you £x to repair your path, garage or home.
- **What you want** - for example, the size of hedge you would prefer; how the hedge should be kept to this size.

Someone who is not involved - like your local Citizens Advice Bureau or Community Legal Service Partnership - can help you work out what you might say. You might also find it helpful to write it down.

### Stage two: making the first move

This is only to fix a time and place so that you and the owners of the hedge can talk about the problem properly. You are most likely to be able to sort things out between you if you:

- Ask your neighbours face to face rather than push a note through the door.
- Don't rush them into a discussion too soon. They also need time to think.
- Invite them into your home so that they can see things from your side of the hedge. But don't press it if they are uncomfortable with the idea.

### Stage three: it's good to talk

You might:

- Welcome the chance to get together to sort things out.

- Tell your side of things. Use the notes you have prepared to say what the problem is and how it affects you. By all means, say how the hedge makes you feel - for example, "It makes me feel hemmed in and gets me down".
- Show your neighbours the problems that the hedge is causing.
- Listen to what your neighbours have to say. Don't charge in with a list of demands. They might not have realised how you felt about the hedge or might be unable - perhaps because they're frail or ill - to deal with the problem. Alternatively, they might have reasons for growing a high hedge - for example, they could be trying to block out something that you don't see. Only by trying to understand each other's point of view will you reach a lasting solution.

#### **Stage four: finding the right answer**

This is the difficult part because there is no one right answer. But to find what is best for both of you:

- Make sure that you have both got everything off your chest and all the issues are out in the open.
- Sort out the things you can agree on - even if it is agreeing to differ.
- Treat it as a shared problem that you need to solve together.
- Be open to ideas and suggestions, including what you each might do.
- Look at all the options before picking the one that suits you both.

#### **Stage five: putting the answer into practice**

When you have your answer:

- Make sure you both know who is meant to do what and by when. It might be a good idea to write this down.
- Set a date to check how your agreement is working.
- Agree how you will let each other know about any future problems.

#### **If you can't find the right answer**

If you CANNOT agree what to do about the hedge, you might consider **mediation**. This involves calling in an independent person to help you understand each other's point of view and agree a plan of action. But you must both be willing to try and find an answer. It is usually free of charge. Contact Mediation UK for details of your nearest community mediation service.

As the law stands, your local council cannot get involved. So the only other remedy, if the owner of the hedge won't co-operate, is to go to court. This can be costly and you may not get the result you want. So it's a good idea to get legal advice before taking such a big step.

### 3. Garden hedges and the law

#### Legal rights

- You don't normally need permission to plant a hedge in your garden.
- If parts of a hedge cross a boundary (above or below ground), owners of adjoining properties have the right to cut branches or roots back to the boundary. But see also **Legal Restrictions** below.
- There are no laws on how high you can grow your hedge. The rules that govern the height of boundary walls and fences don't apply to hedges.
- There is no general right to light.

#### Legal restrictions

- **Protected trees** - you might need permission from your local council to cut back or remove a hedge if you live in a conservation area or if the trees in the hedge are protected by a tree preservation order. Check with your local council before you do any work. For more information see the leaflet 'Protected Trees'.
- **Covenants** - some properties have legal covenants which stipulate the size or type of hedge you can grow. Details should be in your deeds.
- **Planning conditions** - some hedges must be kept under the terms of a planning permission. Check with your local council. You would need their consent to remove such a hedge.
- **Birds** - it is against the law to disturb nesting wild birds. Before you make a cut, check there are no birds' nests currently in use. To be on the safe side, don't trim hedges between March and August.

#### Legal obligations

- You are responsible for any hedge on your property and for looking after it.
- If parts of your hedge break or fall, or it damages neighbouring property in any way, you could be liable for the cost of repairs and might have to pay compensation.
- If a hedge obstructs the public pavement, or it is dangerous, your local council can force you to cut it back or remove it.
- By law, anything you cut from someone else's hedge remains their property. Before you get rid of any trimmings, check what the owner wants done with them. If you're returning what you've cut off, don't just throw it into your neighbour's garden - stack it neatly.

## 4. Cutting comments

Here are some important things to think about to make sure that a hedge is not a nuisance to anyone.

### Maintenance

- The best way of preventing a hedge from becoming a problem is to keep it in good shape. This means trimming both top and sides at least once a year.
- Regular light pruning is better for the hedge and easier to do than infrequent heavy pruning.
- You will probably need specialist equipment or professional help to trim a hedge over 2.5 metres high.
- If more drastic action is needed - say, to renovate a neglected hedge - it is a good idea to get professional advice. The hedge might not grow back again and could leave you with something unsightly, or it might die. You might be better off removing it and starting again.
- If you can cut part of your hedge only from a neighbour's garden, you will need to discuss and agree with them when and how you do the work.
- For more information about looking after a hedge see Arboricultural Association leaflet No 5 '*Evergreen hedges*'.

### Privacy

- A hedge can help prevent you from being overlooked inside your home and garden. But it does not have to be very tall to achieve this.
- On a level site, a height of 2 metres will usually provide privacy from a neighbour's ground floor or garden and should therefore be enough in urban and suburban areas.

### Sunlight

- A hedge will cast a shadow.
- This might offer cool relief from hot summer sun. Equally, it might deprive you or your neighbours of welcome rays of sunshine, particularly in the winter.
- It is possible to calculate the extent of shading from a hedge.
- For more information see Arboricultural Practice Note 5 '*Shaded by Trees?*' published by the Arboricultural Advisory and Information Service.

### Daylight

- A hedge will cut out natural light to your own and neighbouring property.
- The Building Research Establishment have devised a set of calculations for evergreen hedges that will tell you what height a hedge should be if it is not to block too much light.
- A hedge below this height could still cut out light but anything above it is likely to have a severe effect.

- For more information see '*Hedge height and light loss*'.

## **Views**

- A tall hedge can block out an eyesore or someone else's cherished view.
- While no-one has a right to a particular view, people can get upset if an outlook they value is taken away from them without any consultation. This can be a particularly sensitive issue if you overlook the coast, countryside or parkland.

## **Property damage**

- An overgrown hedge could push over a boundary fence. Equally, the base of the trunks or roots growing near the surface could lift paving or low walls.
- By taking moisture from clay soils that shrink when they dry out, a large hedge could cause subsidence damage to nearby buildings, paths, drives or walls.
- But a hedge that is growing close to buildings is not bound to cause such damage. There are lots of other factors involved, besides the hedge.
- For more information about property damage by trees or hedges see Arboricultural Research and Information Note 142 '*Tree Roots and Foundations*'.
- Information about how to reduce the effects of subsidence damage can be found in Building Research Establishment Digest 298 '*Low-rise building foundations: the influence of trees in clay soils*'.

## **5. Useful contacts**

**Arboricultural Association** - for a list of approved contractors to carry out work on hedges, search [www.trees.org.uk](http://www.trees.org.uk) or tel: 01794 368717

**Citizens Advice Bureaux** - offer free, confidential, impartial and independent advice. You can find your local office in Yellow Pages

**Community Legal Service (CLS)** - helps people to find the right legal advice. There are CLS Information Points in local libraries. Or else search [www.justask.org.uk](http://www.justask.org.uk) or tel: 0845 608 1122 for your nearest Community Legal Service provider

**Gardening Which?** helps its members with their gardening problems tel: 0845 903 7000

**Hedgeline** - help those affected by problem hedges, drawing on the experience of their members tel: 0870 2400 627

**Mediation UK** - to find your nearest community mediation service tel: 0117 9046661

**Royal Horticultural Society** - helps its members with their gardening problems tel: 01483 479700

**Tree Helpline** - for impartial advice on anything to do with trees, hedges and shrubs tel: 09065 161147 (calls are charged at £1.50 a minute)

## **6. Further information**

### **General**

'*The right hedge for you*' is available to view on this web site. You can get a printed copy from ODPM free literature (tel: 0870 1226 236) or from the Welsh Assembly Government (tel: 029 2082 3883)

'*Selecting the best hedging plants*'; '*Hedge planting*'; and '*Renovating an existing hedge*' are all available from the Royal Horticultural Society web site.

'*Evergreen hedges*' available from the Arboricultural Association (see Useful Contacts)

'*Protected Trees: A Guide to Tree Preservation Procedures*' available from ODPM free literature (tel: 0870 1226 236), or on the National Assembly for Wales web site under planning leaflets

### **Specialist**

Arboricultural Practice Note 5 '*Shaded by Trees?*' and Arboricultural Research and Information Note 142 '*Tree Roots and Foundations*' are both available from the Arboricultural Advisory and Information Service (tel: 01420 22022)

Building Research Establishment Digest 298 '*Low-rise building foundations: the influence of trees in clay soils*' available from BRE Bookshop (tel: 01923 664262)

'*Hedge height and light loss*' is available to view on this web site.