26\textsuperscript{th} November 2012

Clerk to the Local Government & Regeneration Committee
Committee Office
Room T3.60
Scottish Parliament
Edinburgh EH9 1SP

Dear Sir/Madam,

HIGH HEDGES (SCOTLAND) BILL

In 2005, while we were on holiday in Australia, the owner of a new-build adjacent to our property planted 90+ Cypress trees on his side of our communal fence. No prior consultation was held with us, and the saplings were planted between 10 and 30 centimetres from the fence (I can supply photographs of this). These trees have not been maintained on either side of the fence by the owner of the hedge and are now from 4 to 4.5 metres in height.

Last summer the lateral branches of the hedge protruded onto our drive and car park so much, that cars were swept on passing and we found that we could not tow our caravan down our drive. I spent 4 days lopping those lateral branches on our side. In doing so I dislodged two discs in my spine, for which I am still receiving hospital treatment.

My husband and I are both in our seventies and cannot continue this arduous task. Although we are in favour of a neat evergreen hedge between the properties, the present hedge has been planted too close to the communal fence and has not been maintained by the owner. He has told us twice that the hedge
Local Government and Regeneration Committee  
Stage 1 scrutiny of the High Hedges (Scotland) Bill  
December 2012

I have downloaded your material on the High Hedges (Scotland) Bill  
and now present evidence/comment briefly on two sections:

1) THE MEANING OF “HIGH HEDGE”

and

2) HIGH HEDGE NOTICES.

1. MEANING OF “HIGH HEDGE”

1. a) There are approximately 90 trees planted in a continuous line along the communal fence at a distance of 10 to 30 centimetres from that fence - far too close!

The Bill makes no mention of how far a hedge should be planted from a communal fence. Surely that is important for the health of the hedge, maintenance and damage to adjacent property.

b) The trees are now 4 metres+ in height and are not being maintained.

c) The trees do form a barrier to light. At night the light from the street lamp on the road is totally obliterated, leaving the approach to our house, a distance of 60 metres, in complete darkness. The lack of sunlight causes moss to grow on my drive, green algae on our caravan and has an adverse effect on plants in my garden.

3) We feel that account should be taken of the roots of a high hedge. In our case, because the hedge has been planted so close to the communal fence, the roots are causing the tarmac on our drive to bulge and crack.
2. HIGH HEDGE NOTICES

2) This hedge adversely affects the enjoyment of our property because –

a) It restricts access to vehicular traffic on our side if not trimmed twice per year.

b) It reduces the security of our property because it conceals from our neighbours the entrance to our property, in fact a view of the whole ground floor of our house, car park and garden. They can no longer “keep an eye” as we have done for one another over the years. Similarly our view has also been greatly restricted.

c) Maintenance of this hedge is a huge task for us which we are no longer able to do or feel we should pay for. The owner maintains the hedge will

d) The hedge reduces the amenity value of our property because it is so unkempt and obliterates the approach to our house enclosing our drive.

All of these points affect the “reasonable enjoyment” of our property.

We look forward to the progress of this Bill through Parliament and would be very grateful for any advice you could offer us as a way forward.

Yours sincerely

(Elizabeth A. Brunton)  
(Ian S. Brunton)