

[Redacted]

Decision by Miles Gifford

[Redacted]

Appeal Decision Notice

T: 01324 696 400
F: 01324 696 444
E: [Redacted]@scotland.esi.gov.uk

High Hedges (Scotland) Act 2013

Section 1(1)(a)

Decision

I quash the decision by Argyll and Bute Council that there is no adverse effect from

Reasoning

2. At the outset I make clear that the submissions I have taken into account include

[Redacted]

High hedge appeal reference: HHA-130-2.

Location of the hedge: Ilcroft, 80 John Street, Helensburgh, G84 9JZ

[Redacted]

estimation, the council's measurement is the more accurate. I saw that the hedge is of consistent height throughout its length.

4 The appellants assert that the high hedges legislation states that the trees constituting the hedge should not be any higher than two metres. That is not correct: a height of two metres for a hedge is one of the prerequisites for a hedge to constitute a high hedge for the purposes of the legislation (and I have no doubt that the hedge here is indeed

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] l n il' c i t

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



reasonable enjoyment of their bungalow, both initially and subsequently. A reduction to that height would result in no problems of loss of privacy for the occupiers of the two adjacent properties in this case, because the hedge at its reduced height would still be beneficial in that respect and because of the substantial distance between the dwellings within the two properties.

9. I am not aware of the hedge being used by nesting birds, but check it has not been used for that purpose. I have also checked the hedge for other uses and found it to be used for the purpose of screening the property from the road. I have also checked the hedge for other uses and found it to be used for the purpose of screening the property from the road.

M

Reporter



High Hedge Notice

HIGH HEDGES (SCOTLAND) ACT 2013

This is a high hedge notice issued under section 16(1)(a)(i) of the High Hedges (Scotland)

1. Description of the high hedge which is the subject of this notice: the hedge comprising [REDACTED]

1. Description of the high hedge which is the subject of this notice: the hedge comprising [REDACTED] G84 9JZ.

2. The land on which the high hedge is situated (this is the "neighbouring land" within the [REDACTED])

5. Compliance period: the period within which the initial action must be taken is by 30 September 2016.

6. Preventative action to be taken by the owner of the neighbouring land: maintain the hedge at the height specified in paragraph 4 above.

7. In the event of a failure to comply with this notice, Argyll and Bute Council is entitled to [REDACTED]

- 1. [REDACTED]
- 2. [REDACTED]

