

Overhanging trees and hedges

Advice and guidance to common questions about your neighbours overhanging trees and hedges.

What if I have a complaint about my neighbour's trees or hedges?

Talk to your neighbour and try to work out a solution. If you are not happy about talking to them, write a polite letter keeping a copy in case you need to refer to it later. Do not trim any hedges or trees without first alerting your neighbour.

If you live in a conservation area or the trees are protected by a Tree Preservation Order, it is an offence to carry out work without the Council's permission. To find out if trees are protected, call the Council's Planning Department on 01582 546317.

To prune trees, we recommend you use an accredited tree surgery company who will offer specialist advice. The Arboricultural Association publishes lists of approved contractors – see www.trees.org.uk

Other organisations such as the Institute of Chartered Foresters (ICF) and the International Society of Arboriculture (ISA) have similar accreditation schemes.

What if my neighbour's tree is overhanging my garden?

Unless an overhanging tree is causing damage, it is not illegal for branches to overhang your garden.

Under common law you have a right to cut back overhanging branches to your boundary. However, you must first tell your neighbour of your intention to prune any off ending branches and offer them any timber or fruit you cut because by law, these belong to them.

If trees are protected by a Tree Preservation Order or you live in a conservation area, you must seek guidance and consent before starting any pruning. Please contact the Council's Planning Department to check for any restrictions.

What if I have a complaint about a neighbour's evergreen hedge?

Part 8 of the Antisocial Behaviour Act 2005 created new procedures for councils in England and Wales to deal with complaints about high hedges. It is always better if grievances against a neighbour's hedges can be resolved by the parties involved. Keep a record and copies of any correspondence in case you wish to take further action. You must not trim the hedge without advice.

If negotiations break down, you can ask the Council to investigate and there is usually a fee for this service.

The High Hedges law only applies to the height of more than two evergreen trees planted as a continuous hedge. Overhanging vegetation is dealt with under common law (see above). To make a complaint, you will need to contact the Council and complete a form. If your complaint is valid,

the Council will carry out a survey to decide a reasonable height at which the owner must maintain their hedge. Your neighbour will have a right of appeal against any Council decision.

More information about dealing with [problem evergreen hedges](#).

What if I think my neighbour's trees are dangerous?

Without qualified professional advice it is difficult to be sure a tree is dangerous. Because a tree is large or sways in the wind does not make it dangerous. Accidents and injuries involving trees are rare, and you are more likely to be hurt in an everyday activity such as driving your car.

Trees are often weakened by activities such as excavations near their roots, poorly executed tree surgery, landscape and building works.

The process of decay by fungi or disease is slow and it can take many years for a tree to become hazardous or require maintenance to manage any risk.

A landowner has a duty of care to ensure their property is safe. Trees should be regularly assessed for risk and inspections often are a requirement of property insurance. The Council will only become involved in extreme cases involving privately owned trees considered dangerous, unless the trees threaten the public highway or are protected by law.

If you think an overhanging tree is dangerous, you are within your rights to have the tree inspected independently by a qualified tree care professional. If they decide the tree is dangerous, tell the tree owner. Keep copies of letters and replies so you have evidence to prove the owner may be negligent or in breach of their duty of care in the event of loss or damage.

Full details, forms and advice are available from:

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Town Hall
Upper George Street
Luton
LU1 2BQ

T: 01582 510 330

E: communitysafety@luton.gov.uk

W: www.luton.gov.uk