



Appeal Decision

Site visit made on 18 August 2015

by Mick Boddy F Arbor A FICFor CEnv

an Arboricultural Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 October 2015

Appeal Ref: APP/HH/15/1431

34 Peckleton Lane, Desford, Leicestershire, LE9 9JU

- The appeal is made under section 71(1) of the Anti-social Behaviour Act 2003 (the Act).
 - The appeal is made by Mr Michael John Birchall, the hedge owner, against a Remedial Notice issued by Hinckley and Bosworth Borough Council.
 - The complaint, Ref. 14/00065/HEDGEH, is undated.
 - The Remedial Notice is dated 8 April 2015.
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Decision

1. The Remedial Notice is quashed.

Preliminary Matters

2. The hedge comprises an immature, multi-stemmed yew of approximately 7.5 metres in height and an immature Western red cedar of approximately 14 metres in height; the latter being misidentified in the remedial notice as a Leyland cypress. The remedial notice also incorrectly refers to the complainant's property as 34 Peckleton Lane.
3. The boles of the trees are around 5.5 metres apart, and there is a Weeping willow growing in the gap between. I measured the bole of the yew to be 13 metres from the centre of the rear kitchen window of 32 Peckleton Lane, with the closest branching at a distance of around 10 metres. The Western red cedar is further from the complainant's dwelling, at a distance of approximately 18 metres.
4. The remedial notice requires the trees initially to be cut to a height 3.5 metres and then maintained so that they do not exceed a height of 4 metres. However, the calculation sheet originally provided by the Council specifies an overall action hedge height of 5 metres despite the corrected action height for windows being recorded as 1.13 metres. Whilst it is not clear how the 1.13 metre figure was derived, both the distance figure (K) and angle factor (L) are incorrect.

5. I queried the anomalies in the spreadsheet with Council's representative during the site visit, who responded by saying that the incorrect sheet may have been provided and she would check this when she returned to the office.
6. The Inspectorate subsequently wrote to the Council requesting the correct spreadsheet and a further version was received on 25 August. Whilst the distance figure (K) in the second sheet is a more realistic 14 metres, when this is divided by the angle factor (L) of 1 and 1 added, the product is still 5 metres.
7. I calculate the action height for the yew should be at least 11 metres and the action height for the Western red cedar 19 metres. Accordingly, I find that the remedial notice is flawed and no action is required under the Act either now or in the near future. I therefore quash the notice.

Mick Boddy

Arboricultural Inspector