

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 5 April 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Abbey Road	
Subject of Report	5 Langford Place, London, NW8 0LJ,		
Proposal	Complaint about a high hedge made under Part 8 of the Anti-Social Behaviour Act 2003.		
Agent	Edwin Coe		
On behalf of	Peter Vogel		
Registered Number	15/05487/HH	Date amended/ completed	26 June 2015
Date Application Received	8 June 2015		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		

1. RECOMMENDATION

That the complaint is not upheld.

2. SUMMARY

A complaint has been made under Part 8 of the Anti-Social Behaviour Act 2003 in respect of the hedge planted along the boundary between the rear garden of 5 Langford Place, NW8 0LJ, and the front garden of 1 Regent Mews NW8 0LB.

The Council's role in this case is to try to strike a balance between the competing rights of neighbours to enjoy their respective properties and to consider whether the amenity problems encountered in the complaint are sufficiently serious to justify action being taken against to require the hedge to be altered in height.

For the reasons set out within the report, it is not recommended that the complaint is upheld.

4. PHOTOGRAPHS

3 Dec 2015, 10:30:55



Above: View of high hedge from owner's property at 5 Langford Place.

3 Dec 2015, 10:32:12



Below: View of planter and soil depth at 5 Langford Place to show difference in ground level.

3 Dec 2015, 10:51:57



Above: View of high hedge from complainant's property at 1 Regent's Mews.

3 Dec 2015, 10:52:15



Below: View of the affected recessed window at ground floor level.

5. CONSULTATIONS

Ward Councillors for Abbey Road
No response received.

Arboricultural Section - Development Planning

It is recommended that the given the short section of hedge which is causing shade and the recessed nature of the windows at 1 Regents Mews, that it may not be appropriate to reduce the height of the hedge.

6. BACKGROUND INFORMATION

6.1 The Application Site

The high hedge is located within the rear garden at 5 Langford Place, London, NW8 0LJ, which is an unlisted building located in the St John's Wood Conservation Area. The hedge is on the boundary with the properties to the rear (to the south west) of Regents Mews. The surrounding area comprises mostly of residential dwellings.

6.2 Recent Relevant History

None.

7. THE PROPOSAL

A complaint has been made under Part 8 of the Anti-Social Behaviour Act 2003 in respect of the hedge planted along the boundary between the rear garden of 5 Langford Place and the front courtyard/ elevation of 1 RegentS Mews. The hedge in question consists of a row of Holm Oak trees, planted in a raised bed, along the boundary wall. These have been pleached and whilst not very dense at the moment are expected to thicken. This hedge constitutes a high hedge as defined by Section 66 of Part 8 of the Anti-Social Behaviour Act 2003.

The complainant considers that the high hedge is causing a loss of light and increased sense of enclosure to the ground floor front living room window, that is harmful to the amenity of those occupying the adjoining property at 1 Regent Mews. It should be noted that the front living room windows are recessed from the front elevation of the property by approximately 1.4m and the view from within this living room is primarily of the overhang from the first floor. When close to the windows a view of the boundary wall and hedge can be seen.

The hedge has been assessed from the property of the complainant (1 Regent Mews) and from the hedge owner's property (5 Langford Place) in accordance with the complaints procedure set out in Section 68 of Part 8 of the Anti-Social Behaviour Act 2003.

8. DETAILED CONSIDERATIONS

8.1 Calculations to reach Action Hedge Height

To assess the impact of the high hedge on the front windows at 5 Langford Place, the method of assessment for high hedges set out in the Building Research Establishment (BRE) guidelines on 'Hedge Height and Light Loss' (2005) have been followed. This guidance document includes a method for calculating the 'Action Hedge Height' (AHH), i.e. the height to which the hedge should be reduced in order to ensure that it would not cause an unreasonable obstruction of light to the windows or garden of the neighbouring properties.

The high hedge is located on the boundary between the two properties. The portion of the hedge which is adjacent to the front living room window is at 90 degrees to the window, but it does curve away from the window as can be seen in the supporting photographs and drawings. The only portion of the hedge which can be considered to be shading the window is the portion which is at 90 degrees. The curved section of the hedge cannot be considered to be causing shade. The length of hedge which is at 90 degrees to the window is approximately 0.25m.

The perpendicular distance from the midpoint of the closest window within 1 Regents Mews, to the hedge is 1.34m. A measurement taken at an angle from the window would not be appropriate and neither would a measurement taken to the midpoint of the alcove in which the windows are located, as these measurements are not set out in the guidance (Hedge Height and Light Loss). This measurement results in an uncorrected action hedge height of 2.34m.

The existing hedge height is 3.78m above ground level at 1 Regents Mews and 3.44m above the soil level (0.46m) in the raised planter at 5 Langford Place resulting in an overall action hedge height of 2.34. To achieve the action hedge height of 2.34m on the side of 1 Regents Mews (a reduction of 1.44m), the hedge would need to be pruned to a height of 2m on the 5 Langford Place side.

As referred to above, the Council's role in applications of this nature is to try to strike a balance between the competing rights of neighbours to enjoy their respective properties and to consider whether the amenity problems encountered in the complaint are sufficiently serious to justify action being taken against to require the hedge to be altered in height.

In view of the very short section of hedge which is causing shade (0.25m), and also the recessed nature of the windows at 1 Regents Mews, the impact of the hedge is considered minimal and it is not considered appropriate to require this section of hedge to be reduced in height or for a remedial notice to be issued.

8.2 Residential Amenity

Loss of daylight/sunlight

A BRE assessment had not been submitted with the application. However given the location of the affected windows setback from the front elevation of the building by 1.4m with an orientation to the southwest and un interrupted views across the shared mews; the existing tree in the complainants front courtyard; the existing boundary wall and trellis

fencing between the properties and the height of the hedging proposed in comparison to this, it is not considered that the hedge results in loss of daylight, sunlight or results in overshadowing.

8.3 Other Issues

The complainant has stated that he is worried that damp might penetrate through the boundary wall due to the trellis being installed against the wall without consultation or engaging a party wall surveyor. The hedge is not set back from the boundary wall however under Part 8 of the Anti-Social Behaviour Act 2003, the City Council can only assess an unreasonable obstruction of light to the windows or garden of neighbouring properties.

9. BACKGROUND PAPERS

1. Application form
2. Response from Arboricultural Officer dated 17 December 2015.
3. Letter on behalf of owner of 5 Langford Place dated 10 December 2015.

Selected relevant drawings

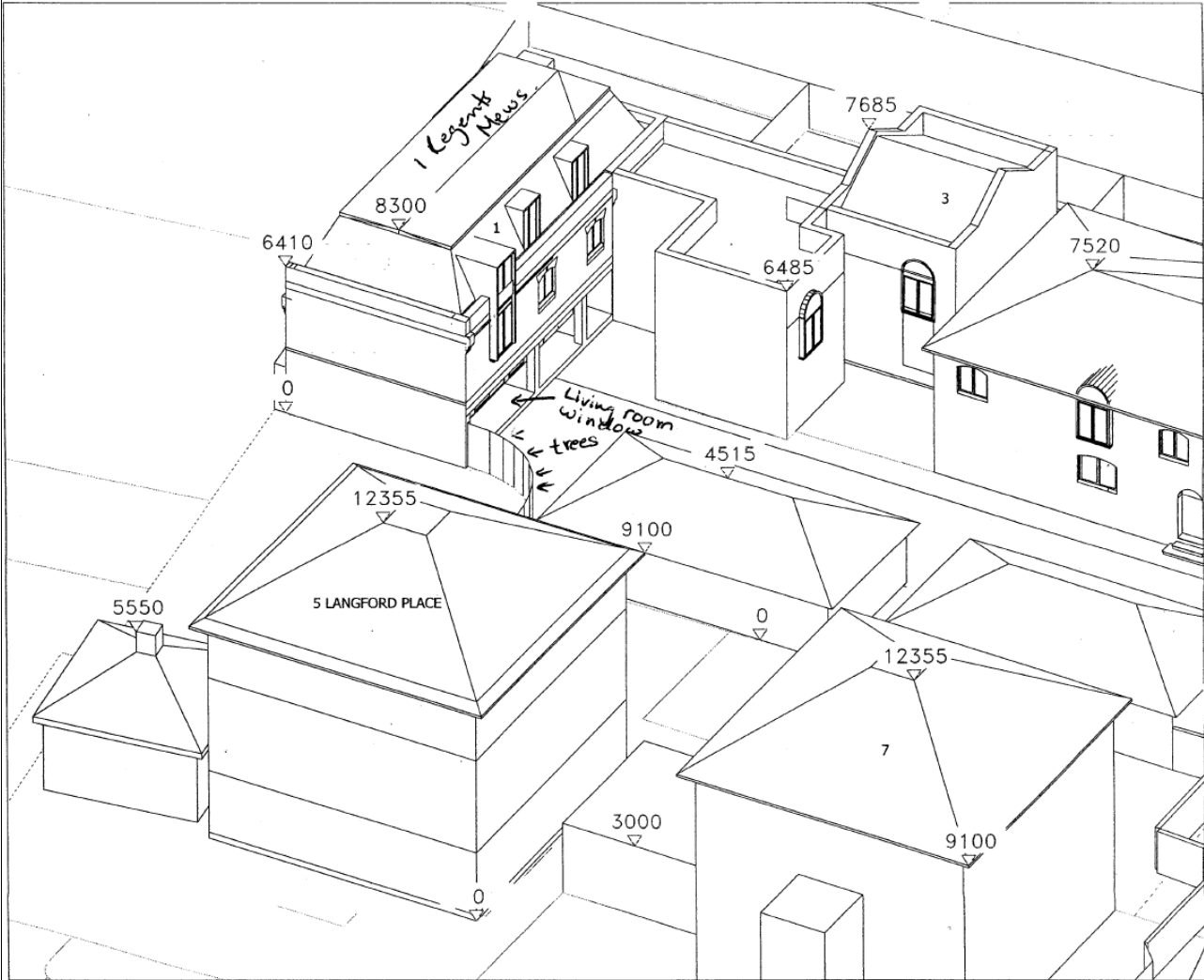
Diagramatic drawings.

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

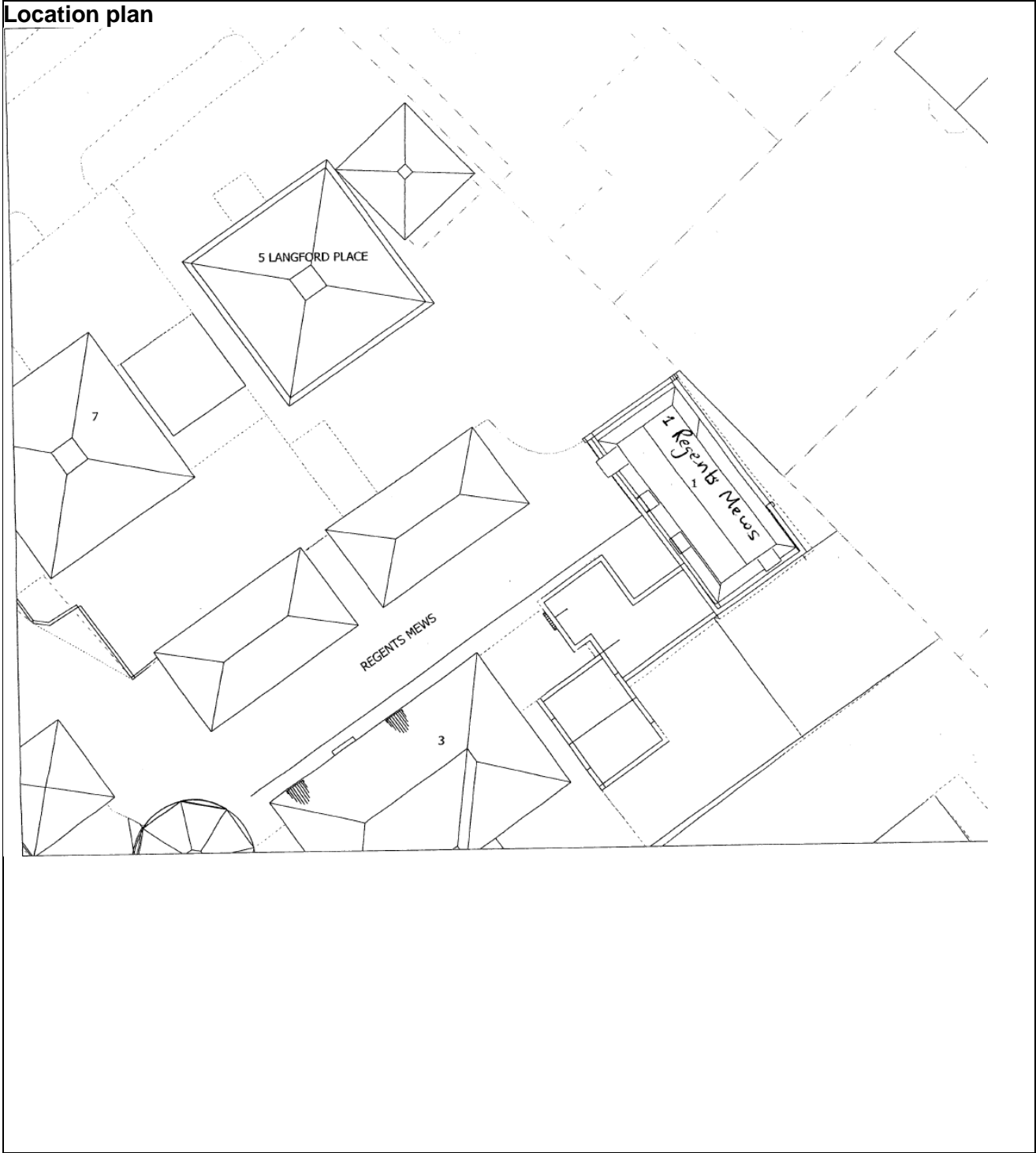
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT KIMBERLEY DAVIES ON 020 7641 5939 OR BY EMAIL AT northplanningteam@westminster.gov.uk

10. KEY DRAWINGS

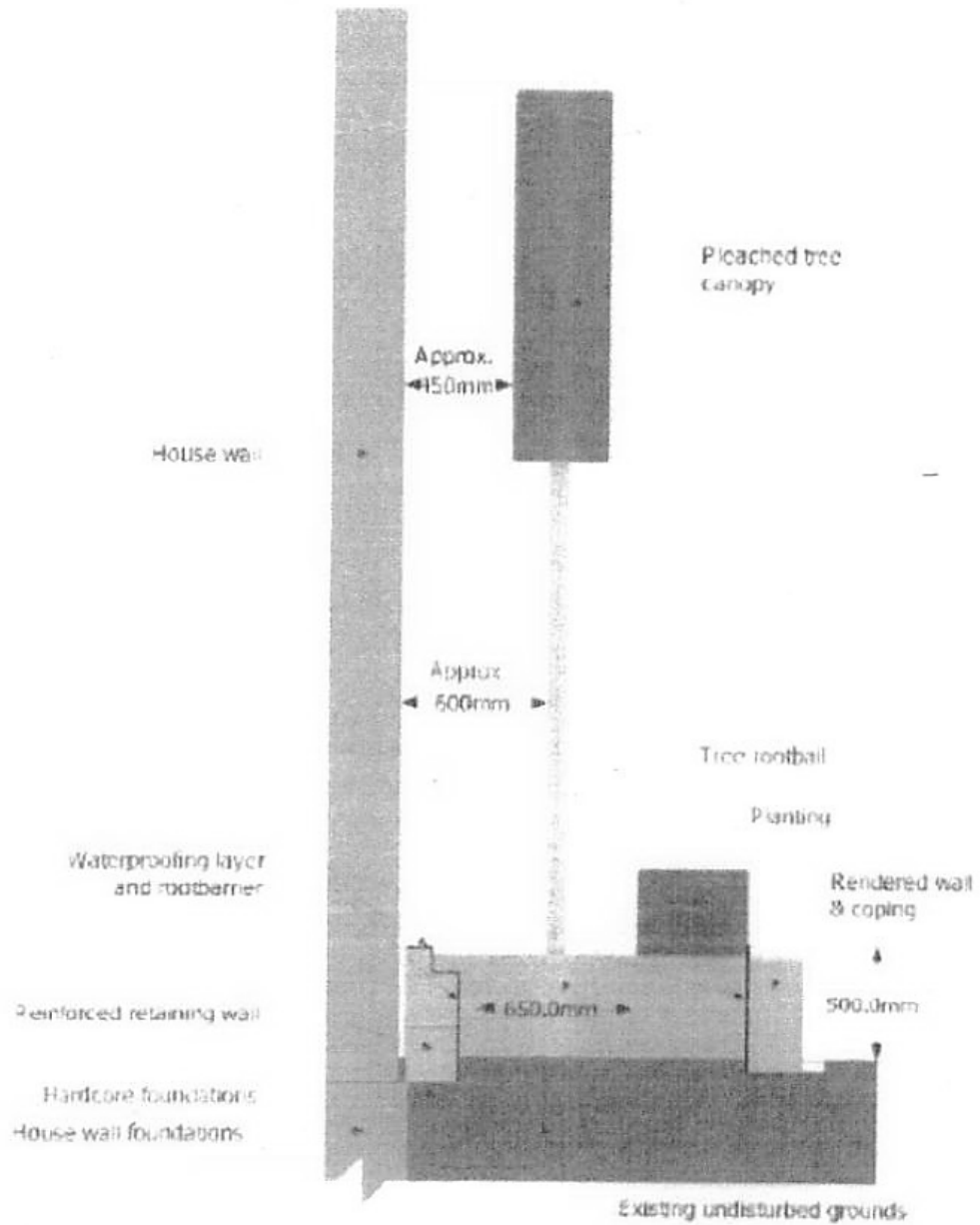
Correlation between 5 Langford Place and 1 Regent Mews



Location plan



SUMMARY OF WORKS



DRAFT DECISION LETTER

Address: 5 Langford Place, London, NW8 0LJ,

Proposal: Complaint about a high hedge made under Part 8 of the Anti-Social Behaviour Act 2003.

Reference: 15/05487/HH

Plan Nos: Application form dated 2 August 2015, Covering letter, site photographs and correspondence between the complainant and the hedge owner dated 1 April 2015, 20 March 2015 and 31 March 2015.

Case Officer: Agnes Hagan

Direct Tel. No. 020 7641 5651

Recommended Condition(s) and Reason(s):

Unconditional

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.