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PARISH GUIDE

Overhanging Trees and Hedges on Property Boundaries

What can you do about overhanging trees and hedges?

Under common law, you have an implicit right to trim a tree or hedge belonging to a neighbour but overhanging your land and that is affecting your property or your enjoyment of your own land. This could include among other things a loss of natural light, root / branch damage to your property etc. For the sake of harmonious relations, the first thing to do is to discuss the matter with the neighbour and explain why you wish to trim the tree or hedge and what steps you propose to take.

What can be trimmed?

- Branches
- Roots

Limitations

Any trimming must be of those parts of the tree or hedge to the limit of your boundary and no further. Please note that cutting back a tree to this limit could cause an imbalance in the tree causing it to spring back away from your lawful boundary, in which case you could be accused of trespass and liable for damages.

Any trimming of branches or roots that proves detrimental to the health of the tree or hedge must be avoided otherwise there is the danger of being accused of criminal damage.

The trimmings do not belong to you, just as any fruits that fall on your land, do not belong to you. Trimmings and fruits should be offered to the neighbour who is the

rightful owner. The best thing to do is to first ask your neighbour if they would like the trimmings or fruit or are happy instead for you to dispose of them.

Property damage

Where a neighbour's tree roots or branches have caused damage to your property, e.g. to foundations or structural walls, the best advice is to consult a Chartered Surveyor or your Solicitor as there may be a case for seeking damages.

<http://www.rics.org/uk/knowledge/glossary/tree-roots-and-buildings/>