

Questions about trees

Who is the owner of the tree?

The tree belongs to the person who owns the land in which the tree is growing. If the tree is growing exactly on a boundary line, then the landowners share joint responsibility.

If you are still unsure of the ownership of the tree/s that concern you, for a small fee you can carry out a Land Registry Search, which will tell you to whom the land belongs to (if it has a registered owner).

Tree Preservation Orders

You must get our written consent before you carry out any work to a tree that is covered by a Tree Preservation Order. Failure to obtain consent could result in prosecution and a fine of up to £20,000.

The exception to this is where the entire tree or part of the tree is dead, dying or dangerous. In this case, consent is not needed to remove the dead wood or to fell the tree. You will need proof to demonstrate that the tree was dead, dying or dangerous.

My neighbour's trees are too big/too tall, what can I do?

Trees are not necessarily dangerous just because they're big or tall or because they are situated within falling distance of buildings and roads. Trees in general do not collapse because of their height alone. It is usually because the trees are dead or dying or have a root or basal issue that is liable to pre-dispose the tree to fail.

There is little that a neighbour can do within law, to reduce the height of a tree in a garden next to their property without the tree owner's permission. If safety is an issue, then this must be brought to the attention of the tree owner/s so an inspection can be made by a competent person and any appropriate safety works identified and be undertaken. We can supply a list of tree contractors used by the council who can undertake a health and safety inspection of the tree/s and provide a written quotation for any appropriate works.

My neighbour's tree/s are blocking out sunlight to our property, what can I do?

There is no legal obligation to a property owner to prune or remove their trees for reasons of light loss to an adjoining/neighbouring property. A 'right to light' is difficult to prove and only refers to buildings and light, not to gardens and sunlight. This should not be confused with the High Hedges Legislation, which deals with 'nuisance' privately-owned hedges.

Overhanging branches and encroaching tree roots

There is no legal requirement about cutting back the of height or spread of roots and branches, except for trees growing next to the highway. In these locations, the owner has a duty to prune trees or hedges so that they don't cause obstruction or danger to pedestrians and vehicles.

With the exception of protected trees i.e. trees included in a Tree Preservation Order or situated within a Conservation Area, a neighbour may cut back any overhanging branches or encroaching roots without the tree owner's consent. The prunings remain the property of the tree owner and should be tactfully offered back to them. They don't have to accept the prunings from you. You may have to dispose of them yourself. While carrying out the pruning, don't cross the boundary line, either in person or with any equipment, as this could be seen as trespass.

Whilst you may have the Common Law right to cut back any trespassing roots, the difficulty being is that you may render the tree unsafe by doing so as it may affect the health and stability of the tree.

Whilst this does not prevent you exercising your Common Law right, it would certainly be prudent to advise the tree owner what you are doing as to avoid any possible claims, particularly from third-parties if the tree were to fall as a result of your actions. If it is proven that the roots have caused damage to your property: tree-related subsidence damage, then the tree owner may be liable for the cost of putting matter right. This type of damage is usually referred to the property owner's insurer for the matter to be taken up by the tree owner's property insurer. If the parties are unable to agree, the matter of liability for the damage will be determined by the Courts.

My neighbour's trees are blocking our satellite/television reception, what can I do?

There is no legal obligation for a tree owner to prune or remove their trees for reasons of loss of satellite or television reception experienced by an adjoining or neighbouring property. Whilst a television licence allows you to legally receive television signals, it does not guarantee reception or quality of the broadcast signal. If you have experienced a sudden loss of television reception or satellite signal, it may be that either your television aerial/satellite dish or 'set top box' is faulty. In these instances please refer to the manufacturer's instructions.

Where tree/s or vegetation on a neighbouring property are blocking satellite signals or television reception, the best solution would be for the property owner to re-position their television aerial or satellite dish away from the obstructing vegetation. You could also consider the use of television aerial /satellite signal reception 'boosters'. Further advice regarding potential solutions can be obtained using the services of either your equipment supplier or contacting a local independent television aerial/satellite engineer.

With reference to protected trees i.e. tree/s included in a Tree Preservation Order or situated within a Conservation Area, we do not consider loss (or inability) to receive a satellite signal/television reception a valid reason to undertake work to otherwise healthy and sound protected trees.

My neighbour wants to plant a tree close to our boundary, what can I do?

Generally speaking, there isn't much you can do to stop your neighbour planting trees and shrubs within the boundary of their property. Even if it is obvious that the roots and branches will spread under and over your land as the trees/shrubs grow. The only exception being is may be where you can clearly demonstrate there could be damage to your property as a result. In particular, if the tree is close to your house and an expert e.g. building structural engineer or surveyor says that root activity from the tree will cause damage to the foundations of your property. In this instance you can take legal advice as to whether you can obtain a legal injunction from the Courts preventing them from planting the tree or making them take necessary precautions with regards to the management of the vegetation in the future i.e. restricting its height and size.

I have tree roots blocking/damaging my drains, what can I do?

It is very unusual for tree roots to physically break underground drains and pipe work. Tree roots are however opportunistic and will grow where conditions are most favourable. An old pipe which is cracked and/or has poor joints leaking water into the surrounding soil will attract tree roots growing nearby which may then exploit the weakness and roots may then enter the pipe causing a blockage or further damage to the pipe work. Then when repairs are required, the presence of tree roots often leads with the nearest tree being blamed. The removal of the tree in these instances is very rarely required as replacement/repair of faulty drains and pipes with modern materials will usually eliminate the leak and stop the problem from reoccurring. In summary, where you find tree roots in a pipe it is actually a 'pipe problem' as apposed to it being a 'tree problem'