

### Overhanging branches/Loss of light/ Dangerous trees

Under English common law there is a general right to cut overhanging branches back to your property boundary (subject to legal restrictions being overcome first such as Tree Preservation Orders or Conservation Areas). The owner of the tree is not obliged to cut them back, although they may do so. If you or they intend to cut overhanging branches you must not go beyond your boundary or top their trees without their permission.

It is advisable to agree any work with your neighbours beforehand and offer back any arising's from the tree, although they are not obliged to accept them and therefore you will need to make arrangements for their disposals. It is always advisable to check with the City Council if the tree is protected by the Tree Preservation Order (TPO) or in a conservation area as you will need to apply to the council with the owners consent to do the work.

### Loss of Light or Satellite/TV Reception

There is no absolute right to light, a view, or satellite signal therefore if trees are an obstruction you will need to talk to your neighbour or the land owner regarding the management of their trees.

It may be possible for the council to intervene in extreme cases in the form of a high hedge complaint under the anti-social behaviour act.

### Dangerous Trees

Every tree owner has a general duty of care to ensure their trees do not pose an unacceptable risk to other people on or adjacent to their land. You will however only be liable for injury or damage caused by trees if you are found to be negligent in some way e.g. by not taking reasonable care to regularly inspect or undertake essential work to your trees . If you are reporting a dangerous tree, you will need to provide evidence why you believe it is a public danger.

### **Common concerns;**

- A tree taller than a house or broad spreading tree does not in itself make it a dangerous tree.

- A tree swaying in the wind does not in itself make it a dangerous tree, trees will naturally sway in the wind, the pliability in the branches is a natural mechanism that helps prevent fracture.
- A tree that has grown with a lean does not in itself make it dangerous; a tree will develop fatter growth rings on one side to it more stable. There may be a problem if a previously upright tree suddenly develops a lean.

If you are still concerned that a tree on a private property/land is a public danger then please contact the Tree Protection Officer at the City Council at [planning@worchester.gov.uk](mailto:planning@worchester.gov.uk). If the tree is imminently dangerous the council may undertake a site visit to confirm if any action can be taken under the Miscellaneous Provisions Act 1976.

If you believe that a Tree on council land or a highway is dangerous please contact the Tree Protection Officer at [planning@worchester.gov.uk](mailto:planning@worchester.gov.uk)

### Falling leaves/fruit/flowers/seasonal debris

Although they can cause a lot of inconvenience, falling leaves and debris are not regarded as a 'nuisance' in the legal sense and a tree owner has no obligation to clear them. It is usually up to the tree owner or the neighbours affected to clean up or undertake their own maintenance in the case of gutters blocked by leaves.

### Tree roots/ subsidence/ damage to property

If a tree is found to be causing damage to a neighbour's property it may be classed as a legal nuisance and the tree owner may be liable for any costs or damage caused. If you believe that a neighbour's tree is causing damage or subsidence to your property you must inform your neighbour and your building insurance company as soon as possible. Insurance companies will usually deal with subsidence issues on your behalf. Technical reports demonstrating the tree is the cause of the damage are normally required.