

Your Legal Questions



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Q My neighbour has a large tree growing in their back garden which overhangs across the boundary line. We also have problems in the autumn when the tree sheds its leaves on to our garden. What rights do I have to cut back the tree branches and to ask my neighbour to clear the leaves away?

A If the branches of a neighbour's tree start to grow over to your side of the boundary then you are entitled to cut them back to the boundary point with your neighbour's property, so long as the tree is not the subject of a Tree Preservation Order, a planning condition or your property is in a conservation area (in which case you will need to seek further clarification from the Local Planning Authority before doing anything).

You do not need your neighbour's permission to do this provided that in doing so you do not have to go onto their land or lean over the boundary. Obviously it is always better to discuss your concerns with your neighbour first if you can. However, the branches or any fruit on them which you may have cut down on your side of the boundary will still belong to your neighbour, who owns the tree, so you should offer them back to your neighbour. If they do not want them then you will have to dispose of them.

Even though leaves from your neighbour's tree fall into your garden you do not have the right to insist that your neighbour sweeps them up. However, if the leaves block the gutters or drains of your property you can ask your neighbour to have them cleared or to pay for the cost of any damage they have caused.