

## SPSO decision report

**Case:** 201102594, West Dunbartonshire Council  
**Sector:** local government  
**Subject:** conservation areas, listed buildings, tree preservation orders  
**Outcome:** some upheld, action taken by body to remedy, no recommendations

### Summary

Mr C is a former council tenant of a downstairs 'four in a block' flat. A tree in his front garden had grown to eaves (roof) level and his upstairs neighbour (an owner-occupier) complained to the council that this meant she was being denied both light and a view. The council offered to prune the tree but Mr C said he would prune it. That did not happen and, according to Mr C, workers arrived in March 2011 saying that they had a works order to remove the tree at Mr C's request. When he said that he had not requested the tree's removal, they left, contacted the police and requested their attendance. Mr C prevented the removal of the tree that day, and next day applied to buy his home. A year later, he instructed a contractor to trim the tree but the upstairs neighbour was not fully satisfied.

Mr C made four complaints against the council. We upheld his complaints that the council raised contradictory and inaccurate works orders in respect of the tree and that workers arrived unannounced to carry out the works. We found that the council had not acted properly in these respects. We did not, however, make any recommendations as the council had already apologised and amended their procedures in response to the complaint.

We did not uphold Mr C's complaints that an inaccurate report was made to the police to secure their attendance and that the council failed to deal appropriately with his complaint, as we found no evidence to suggest that the council acted inappropriately on either matter.