

## SPSO decision report

**Case:** 201104603, Aberdeenshire Council  
**Sector:** local government  
**Subject:** conservation areas, listed buildings, tree preservation orders  
**Outcome:** not upheld, recommendations

### Summary

Mr C complained on behalf of Mr A. Mr A is the owner-occupier of a detached house in a modern housing estate. His rear boundary adjoins part of an avenue of trees, for which the council are responsible. Mr A considered that the trees detracted from his amenity and had over a number of years asked the council to remove the trees closest to his garden. The council had resisted this course of action as they did not consider the trees were diseased or dangerous.

Mr A said that the council's inspection of the trees had been cursory and inadequate; that they had not given proper regard to his evidence that the trees were in poor condition; had failed to provide assistance to him to remove leaves and debris falling into his garden; had failed to accept that his amenity had been detrimentally affected; and had acted prejudicially to him by not taking action on the basis that other might complain.

We did not uphold any of Mr C's five complaints, as we did not find any evidence that the council had acted improperly. However, as the council policy to which they referred was not publicised, we made a recommendation about this.

### Recommendations

We recommended the council:

- make available on its website a general statement of their current practice with regard to their responsibilities for trees in their area and the limited circumstances where they will intervene to manage or remove trees.