

Are you an accidental lawless neighbour?

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Nuisance neighbours are usually associated with loud parties and overflowing rubbish bins.

But even if you think you're a law-abiding citizen, you could be breaking the law when it comes to the people next door.

Whether it's picking fruit from a neighbour's tree which hangs over your fence, to hoovering after 8pm, it's possible to become an accidental law breaker, says Property Litigation & Dispute Solicitor, Danielle Clements, of Gorvins Solicitors (<http://www.gorvins.com>)

Says Danielle: "People are often surprised by what legally is deemed to be a nuisance. Nuisance behaviour is not limited to simply loud music and late night parties. We received a complaint from an individual that was founded on noise from a water feature that was constantly turned on. The persistent noise was an unpleasant distraction that prevented their quiet enjoyment of their garden and could even be heard from their property on a night.

Depending on the level of the noise this unbelievably can actually be a legal nuisance."

Thanks to an increasing number of complaints about neighbourly activities, Danielle has now compiled a neighbour's charter, which offers guidance and warnings over inadvertent neighbour law breaking.

For example, it's important not to throw trimmings from an overhanging tree back into a neighbour's garden without seeking their consent first. This could be deemed to be fly tipping. You also need consent before attaching a washing line, garden hose or plants to a neighbour's wall. And using a neighbour's unsecure Wi-Fi connection without their knowledge - known as 'piggybacking' - could lead to criminal charges under the Computer Misuse Act 1990 / the Communications Act 2003

Danielle's warning comes after actor Tom Conti lodged a complaint about the noise from a gardeners' leaf blowers. A 2014 report by consumer group 'Which' found that a quarter of UK adults had had a problem with a nuisance neighbour in the past year.

Danielle adds: "It's astonishing how careful you need to be in consideration of your neighbours. What may seem like an innocuous action may actually be illegal and many people will not realise this."

ENDS

GUIDE TO ILLEGAL NEIGHBOURLY BEHAVIOUR – THE NEIGHBOUR'S CHARTER

1.If you intend to attach your washing line / garden hose / plants to a neighbour's wall or fence obtain consent first. It is your neighbour's property so their consent is required.

2.Bubbling hot tubs which are relaxing for you may not be for you neighbour and could constitute a nuisance due to noise.

3. Only cut back tree branches to the extent that they overhang your land. Cutting back into your neighbour's property is illegal. If the tree has a preservation order you cannot cut any branches.
4. Do not just throw back HEDGE/TREE trimmings from overhanging plants without speaking to your neighbour first. Despite the plants belonging to them this could be considered to be garden waste fly tipping.
5. Do not take fruit from a neighbour's tree even if it overhangs your land – THIS CONSTITUTES theft.
6. Ensure any CCTV cameras around your property do not point at part or all of a neighbour's land. This could in some cases breach privacy laws under the Human Rights Act and possibly lead to allegations of harassment.
7. Smoke – whether from a wood burner in the house, a chiminea in the garden, or a barbecue – can constitute a nuisance.
8. Keeping chickens might seem like the “good life” and a good idea but the noise, odour, flies and vermin can be deemed to be nuisance behaviour.
9. Be mindful where you position children's trampolines to ensure that the noise is not too disturbing but also to avoid children (and adults!) being able to see into neighbours gardens and affect their right to privacy.
10. Bright security lighting if it shines directly into a neighbour's property can constitute light pollution or a nuisance
11. It is recommended by environmental health officers that noisy DIY should only take place between 8am and 6pm on weekdays, Saturdays between 8am and 1pm and never on a Sunday. Similar recommendations are in place for hoovering and other noisy domestic appliances.
12. If you are parking a caravan or Winnebago on your drive give some thought to whether the position of the vehicle might affect your neighbours right to light and constitute a nuisance.
13. Do not use a neighbour's unsecure Wi-Fi connection without their knowledge i.e. 'piggybacking'. Criminal charges can be brought against you under the Computer Misuse Act 1990 / the Communications Act 2003

For further information contact Head of PR, Paul Longmire 0161 930 5278 or paul.longmire@gorvins.com