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# Appeal Decision

Site visit made on 17 September 2024

**by K Townend BSc MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 11 October 2024**

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**Appeal Ref: APP/U4610/W/24/3342007**

**306 Bedworth Road, Coventry CV6 6BP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr C Ellis against the decision of Coventry City Council.
  - The application Ref is PL/2023/0001796/FUL.
  - The development proposed is a new dwelling house.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is the effect of the development on trees and biodiversity.

## Reasons

3. The appeal site is a parcel of land to the side of 306 Bedworth Road (No. 306). At the time of my visit the land was fenced off from the garden of No. 306 and was used for general storage. The land is enclosed in close boarded fencing. No. 306 is one of a pair of semi-detached houses in a group of three pairs between commercial uses. The area is mixed residential and commercial.
4. There are five mature Ash trees which sit outside the side boundary of the appeal site, on the adjacent commercial site. The trees are not protected by Tree Preservation Orders; however, they do form part of the green landscape along Bedworth Road, and they are prominent in views from the street. The trees along this road, including the five Ash trees, are part of the character of the area, are a positive benefit to the visual amenity of the area and provide green breaks to the built-up nature.
5. The appellant has submitted a Tree Survey<sup>1</sup>. This report notes that the trees have been historically pollarded and also suffer from root damage from the car parking area within the commercial site. There is also evidence of cavities in the main stems, dead wood, and ivy growth. The Tree Survey suggests that the trees are "fair" quality, Category C, and that they have a low life expectancy due to interference with the roots and historic pollarding.
6. However, from the photographs provided within the Tree Survey, which show the trees in full leaf, they do not appear to have suffered significantly from the pollarding work or any of the other issues noted in the tree survey. Although I have no evidence to counter the Tree Survey's estimate of the lifespan of the trees, I also note that the trees might survive another 20 years.

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<sup>1</sup> Arbscope Tree Survey in Relation to demolition and construction in accordance with British Standard 'BS5837:2012,' Land Adjacent to 306 Bedworth Road, Coventry, CV6 6BP, dated August 2023

7. The development would be within the root protection area and canopy spread of at least the three trees nearest the front of the site and the dwelling would significantly harm the trees so as to require their removal.
8. The submitted Tree Survey recommends the removal of all five Ash trees and the replacement with a mixed species hedge, in the place of the five trees, and two trees within the garden of No. 306 and the proposed dwelling. The Ash trees are not within the appellant's control and, although the Tree Survey suggests the owners would not have any objection, I have no means to secure the replacement hedge planting. I am, therefore, not able to give any weight to the proposed mitigation measures that lie outside of the appeal site.
9. Moreover, the replacement planting would only include two new trees, neither of which would be in the same position as the existing trees. The loss of the existing trees would be unacceptable and significantly harmful to the character and appearance of the area. Neither the proposed two trees nor the hedge planting would provide the same landscape benefit as the existing trees and would harmfully alter the visual amenity that the existing Ash trees provide to the character and appearance of the area.
10. The existing trees also provide biodiversity benefits, albeit that this benefit might not be significant or substantial the trees provide an existing habitat. This habitat would be lost, and I have no means of securing the mixed species wildlife hedge proposed as mitigation. I also have no substantive evidence that planting within the garden of the proposed development would be able to provide better long term biodiversity habitat than the existing Ash trees. Although the Council Ecologist raised no objections this was based on securing the mitigation which is not within the appellant's control.
11. For the above reasons, I find that the proposed development would have an adverse and harmful effect on the five Ash trees adjacent to the site and a harmful effect on biodiversity. The proposal would, therefore, fail to comply with Policies DE1, GE3 and GE4 of the Coventry City Council Local Plan, adopted 2017 (the LP) which, taken together, require all development to respect and enhance its surroundings, conserve, restore or enhance biodiversity, respect and enhance landscape quality including trees, avoid negative impacts on existing biodiversity, or where this is not possible identify adequate mitigation measures, not result in unacceptable loss of, or damage to existing trees, or where trees are not to be retained ensure that they are replaced with new trees as part of a well-designed landscape scheme.
12. The appellant has sought to argue that Policy GE3 of the LP has been misinterpreted by the Council and should not be applied to the site. However, Policy GE3 requires development of any site with biodiversity value to protect, enhance or restore habitat biodiversity. I, therefore, find that Policy GE3 is relevant to the determination of the appeal and the scheme conflicts with this policy as set out above.

### **Planning Balance**

13. Both main parties agree that the Council cannot currently demonstrate a five-year housing land supply. Paragraph 11d) of the National Planning Policy Framework (the Framework) therefore applies.

14. Policies DE1, GE3 and GE4 of the LP are the most relevant in considering the proposal. However, all of these policies are generally in accordance with the Framework in seeking to contribute to and enhance the natural environment. Even if I found the cited policies to be out-of-date and so afforded limited weight to the development plan conflicts the proposal would conflict with these policies. Consequently, the proposed development would conflict with the development plans as a whole.
15. The development would provide one additional house with energy efficiencies, including the provision of an electric vehicle charging point, and associated social and economic benefits both during and post construction due to its location near to services and facilities. However, although I afford significant weight to the provision of new housing, as only one dwelling is proposed this benefit is limited when weighing the merits of the scheme. I therefore afford significant weight to the limited benefit the development would make to addressing the housing shortfall.
16. The design, scale and massing of the proposal would be comparable to the other housing in the immediate area. However, this benefit is of limited weight. That there are no refusal reasons relating to living conditions of existing or proposed occupiers, highway, noise, air quality, flooding or drainage matters are neutral factors. That the host dwelling is not a listed building nor within a conservation area is also a neutral factor.
17. On the other side of the balance, there would be adverse environmental impacts contrary to the elements of the Framework which seek to ensure that developments contribute to and enhance the natural and local environment and minimise the effect on biodiversity. These adverse impacts would be significant, and I afford them significant weight.
18. Consequently, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

## **Conclusion**

19. For the reasons given above the appeal should be dismissed.

*K Townend*

INSPECTOR