

Planning Committee Report	
Planning Ref:	PL/2026/0000448/TPA
Site:	74 Howes Lane
Ward:	Wainbody
Proposal:	To fell one mature English Oak tree (T1) protected by the City of Coventry (Howes Lane No.1) Tree Preservation Order 1967.
Case Officer:	Michael Walker

INTRODUCTION

This application is reported to Planning Committee for determination following a call-in request by Councillor John Blundell. The proposal seeks consent for the felling of an Oak tree which is protected by a Preservation Order (TPO - Howes Lane No1), located within the rear garden of a residential property. The application has generated representations from neighbouring residents and is recommended for refusal.

RECOMMENDATION

Planning Committee are recommended to refuse permission for the proposed works to a protected tree for the reasons set out within this report.

REASON FOR DECISION

The proposed works have been assessed having regard to the Development Plan and all other material considerations. The proposed felling of a protected Oak tree, which is of significant amenity value and contributes positively to the character and appearance of the local area and wider historic landscape, is considered unjustified. The tree is in good health and structural condition, and the reasons put forward for its removal are not sufficient to outweigh its public amenity value. The proposal is therefore contrary to Policies DE1, GE3 and GE4 of the Coventry Local Plan, which seek to protect important landscape features and trees of amenity value.

SITE DESCRIPTION

The application site comprises the rear garden of a detached residential property at 74 Howes Lane, located within the Wainbody ward in an established suburban area. The surrounding context is predominantly residential in character, consisting of similar detached and semi-detached dwellings set within defined garden plots.

The site contains a mature English Oak tree (identified as T1), situated towards the rear of the garden and protected by the City of Coventry (Howes Lane No.1) Tree Preservation Order 1967. The tree is approximately 200 years of age, 20 metres in height with a broad, well-formed crown extending to around 15 metres in diameter.

Due to its visual form, maturity, and position, the tree is a prominent feature within both the site and the wider area. The tree provides a pleasant backdrop to the properties when viewed off Howes Lane, where it visually softens the hard build lines of the dwellings. It is highly visible from surrounding public vantage points, including views from the cul-de-sac and nearby roads such as Howes Lane, Grange Avenue and St Martin's Road.

APPLICATION PROPOSAL

The application seeks consent for the felling of one mature Oak tree (T1) located within the rear garden of the property, which is protected by the City of Coventry (Howes Lane No.1) Tree Preservation Order 1967. The removal is sought due to concerns relating to structural damage, shading, and drainage issues.

RELEVANT PLANNING HISTORY

Application Number	Description of Development	Decision and Date
R/2007/2345	<i>External alterations and new sloping roof Historic Reference: 30976/A</i>	Granted 28/12/2007

POLICY

National Policy Guidance

National Planning Policy Framework (NPPF) December 2024.

The National Planning Practice Guidance (NPPG) adds further context to the NPPF and it is intended that the two documents are read together.

Local Policy Guidance

The current local policy is provided within the Coventry Local Plan 2017, which was adopted by Coventry City Council on 6th December 2017. Relevant policy relating to this application is:

Policy DE1: Ensuring High Quality Design

Policy GE3: Biodiversity, Geological, Landscape and Archaeological Conservation

Policy GE4: Tree Protection

Emerging Local Policy Guidance – Local Plan Review submitted to Planning Inspectorate for examination on 9th September 2025.

The Local Plan review is currently at Examination. Relevant emerging policy relating to this application is:

Policy DE1: Ensuring High Quality Design

Policy GE3: Biodiversity, Geological, and Landscape Conservation

Policy GE4: Tree Protection

Supplementary Planning Guidance/ Documents (SPG/SPD/DPD):

Trees and Developer Guidance SPD

CONSULTATION

Objections received from:

- Tree Officer

Neighbour consultation

Immediate neighbours and local councillors have been notified; a site notice was posted on 02/04/2026.

Neighbour letters were sent on 05/05/2026

2 letters of support for the proposals have been received, raising the following material planning considerations:

- a) Concerns regarding the size and scale of the tree and its impact on light to neighbouring properties and gardens
- b) Concerns relating to potential structural damage, drainage issues, and the presence of roots affecting underground pipes
- c) Concerns regarding safety, including the risk of falling branches or tree failure during adverse weather conditions
- d) Nuisance associated with seasonal leaf fall, sap deposition, and blockage of gutters.

With regards to these representations, all were received from addresses within the immediate proximity of the application site.

Any further comments received will be reported within late representations.

APPRAISAL

The main issue in determining this application is whether there is sufficient evidence to justify the removal of this protected tree. The relevant policy considerations are set out within the Policy Appendix.

Assessment

There is a presumption in favour of retaining protected trees unless there is clear and convincing evidence to justify their removal as stated in Policy GE4.

In this instance, the Oak tree is of good health and structural integrity and is highly visible from surrounding public vantage points, including the adjacent cul-de-sac and nearby roads. It has a well-formed crown and contributes positively to the character, appearance and verdant quality of the area. The Council's Tree Officer has confirmed that the tree is a prominent and valuable feature within the local and wider landscape and that it forms part of a limited group of remaining trees protected under the 1967 Tree Preservation Order.

The proposed felling of the tree would result in the total loss of this feature and would have a significant adverse impact on the visual amenity of the area contrary to policy DE1 and GE4 of the Local Plan

The concerns raised by the applicant and neighbouring occupiers in respect of structural damage, drainage issues, shading, and general nuisance are acknowledged.

However, the submitted Tree Safety Report confirms that the tree is in good overall health and does not provide robust or qualified evidence to substantiate concerns regarding structural instability. The Council's Tree Officer has also raised no concerns regarding the condition or safety of the tree.

With regard to drainage, the Severn Trent report does not identify Oak tree roots as the cause of the issues and instead attributes the problems to defects within the existing crock pipe system. The tree officer advises that replacement or relining of the crock pipework by inserting a flexible liner would resolve the issue.

Whilst there is some damage to retaining walls in the gardens upper level, there is no evidence to suggest that this entirely due to the tree.

Issues such as shading, leaf fall, sap and debris are seasonal and characteristic of trees and are not, in themselves, sufficient justification for removal. Alternative measures exist, including routine maintenance and minor works, which could reasonably mitigate these impacts.

Overall, it is considered that the limited harm to residential amenity does not outweigh the significant public amenity value of the tree, and therefore does not justify its removal contrary to policies GE3, GE4 and DE1 of the Local Plan 2017

Equality Implications

Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

There are no known equality implications arising directly from this development.

Conclusion

The proposed felling of this Oak Tree (T1) protected by the City of Coventry (Howes Lane No.1) Tree Preservation Order 1967 is not considered acceptable as it would result in the unjustified loss of a protected tree of significant amenity value, which makes an important contribution to the character and appearance of the area and wider historic landscape. The tree is in good health and structural condition, and insufficient evidence has been provided to demonstrate that its removal is necessary. The proposal would therefore be contrary to Policies DE1, GE3 and GE4 of the Coventry Local Plan 2017, as well as emerging Policies DE1, GE3 and GE4, and is not consistent with the aims of the NPPF in seeking to protect and enhance the natural environment.

POLICY APPENDIX

National Planning Policy Framework (NPPF) (2024)

The NPPF places great weight on the protection and enhancement of the natural environment. It recognises the importance of trees in contributing to the character and quality of an area and seeks to ensure that development results in positive outcomes for the natural environment.

Coventry Local Plan 2017

Policy GE3: Biodiversity, Geological and Landscape Conservation

Policy GE3 seeks to protect and enhance biodiversity and important landscape features. Development proposals that would result in the loss or deterioration of features of ecological, geological or landscape value will only be permitted where the benefits of the development clearly outweigh the harm.

Policy GE4: Tree protection

Policy DE1: Ensuring High Quality Design seeks to ensure that all development follows key principles which includes the need to respect and enhance landscape quality including trees, hedges and other landscape features of value.

Emerging Local Plan (Submission Version – under Examination)

Policy GE3: Biodiversity, Geological and Landscape Conservation

The emerging policy continues to support the protection and enhancement of biodiversity and landscape features, resisting proposals that would lead to their unjustified loss.

Policy GE4: Tree Protection

Policy GE4 places specific emphasis on the protection of trees, particularly those subject to Tree Preservation Orders. Development proposals should avoid the loss of protected trees unless robust justification is provided, and appropriate mitigation or replacement is secured where necessary.

REASON FOR REFUSAL

1. The proposed works would result in the unjustified loss of a protected tree of significant amenity value, which makes an important contribution to the character and appearance of the area and wider historic landscape. The tree is in good health and structural condition, and insufficient evidence has been provided to demonstrate that its removal is necessary. The proposal would therefore be contrary to Policies DE1, GE3 and GE4 of the Coventry Local Plan 2017, as well as emerging Policies DE1, GE3 and GE4, and is not consistent with the aims of the NPPF in seeking to protect and enhance the natural environment.