



---

## Appeal Decision

Site visit made on 9 January 2024

**by Paul Cooper MSc MRTPI**

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

**Decision date: 08 February 2024**

---

**Appeal Ref: APP/W2465/W/23/3328615**

**Leicestershire Brahma Samaj, 15 Belgrave Road, Leicester LE4 6AR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Shastri against the decision of Leicester City Council.
  - The application Ref 20222476, dated 14 January 2023, was refused by notice dated 16 June 2023.
  - The development proposed is erection of two storey community centre adjacent to existing place of worship.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues in this appeal are :-

- The effect of the proposed development on the character and appearance of the area.
- The servicing of the proposed development
- The effect of the development on highway safety.

### Reasons

#### *Character and Appearance*

3. The existing property is a detached, brick-built structure, located in the area known as the "Golden Mile" and was converted to a place of worship in the 1970s with a convoluted planning history since. It is set back from Belgrave Road, in a generously sized plot behind boundary walls and has some maintained grassed areas, some hardstanding, and various extensions.
4. The area is a mix of commercial and residential property, with many terraced streets located to the rear of the Belgrave Road commercial frontage. The proposal would see the construction of a single and two-storey community centre building erected to the side of the existing building, attached with a walkthrough between the two elements.
5. The two-storey side extension on the side would not be subordinate to the existing building and look incongruous and awkward when seen in the context of the existing building and the surrounding locality, which is a mix of commercial and residential property and would not relate well to the existing place of worship.

6. I have taken into account the generous size of the plot, but the scale of the two-storey extension would be a visually overly dominant feature that would not respect the character or appearance of the existing property or its wider surroundings.
7. I therefore conclude that on this issue, the proposal would not respect and would harm the character and appearance of the existing property and of the local area. It would therefore conflict with Policy CS03 of the Leicester City Council Core Strategy Development Plan Document (2014) (the CS) which, amongst other matters, expects development to contribute positively to an area's character and appearance through various criteria. I also find conflict with the design guidance set out in the National Planning Policy Framework (the Framework).

#### *Servicing*

8. From the evidence provided, the appeal is deficient in details of issues relating to servicing, waste management and other points vital to the running and management of a community facility.
9. The appellants have indicated that they are willing to enter discussions and negotiations in order to address these matters in a way to meet the requirements of both parties.
10. *The Procedural Guide: Planning Appeals – England*, advises that the appeal process should not be used to evolve a scheme and that it is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the local planning authority and interested parties at the application stage.
11. Therefore, without those relevant details at this stage, I find conflict with Policy CS03 of the CS, Saved Policy AM02 of the City of Leicester Local Plan (2006) (the LP), which, amongst other matters, expect development to create buildings and spaces that are fit for purpose and incorporate the needs of cyclists into the design.

#### *Highway Safety*

12. The Council have raised concerns with regard to highway safety matters if the proposal was to be constructed, specifically with the loss of the area where the appeal proposal would be located.
13. Having visited the site and surrounding area, there are restrictions with respect of vehicle movements and parking in the locality. However I find that there would be sufficient availability in the area around the site and the wider locality to allow for all aspects of the servicing required for a community centre, be that from visitors or service vehicles.
14. Therefore, on this issue, I find no conflict with Policy CS14 of the CS, policies AM01 and PS10 of the LP, and the transportation aspects of the Framework.

#### **Other Matters**

15. I have taken into consideration the positive aspects of the appeal proposal, in respect of the community benefits, and whilst I am sympathetic to the proposal, I find that the scheme, in its current form, is harmful to the character and appearance of the area and is lacking in the aspects required in terms of

appropriate servicing to allow for an appeal to be granted. However, I note the wish of the appellants to work with the Council in order to deliver a scheme that works. This appeal process is not the arena to work through those issues, but there is merit in further discussions between the parties to see if common ground can be reached for a new application to the Council.

### **Conclusion**

16. The proposal does not accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate I should take a different decision other than in accordance with this.
17. For the reasons outlined above, I conclude the appeal should be dismissed.

*Paul Cooper*

INSPECTOR