



Appeal Decision

Site visit made on 21 October 2025

by **Peter White BA(Hons) MA DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 October 2025

Appeal Ref: APP/V2635/C/23/3328821

Land at Rajasthan, 61 Railway Road, King's Lynn, Norfolk

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) ("the Act").
- The appeal is made by Mr Kabir Ahmed of Rajasthan against an enforcement notice issued by King's Lynn and West Norfolk Borough Council.
- The notice was issued on 25 July 2023.
- The breach of planning control as alleged in the notice is: without planning permission, the installation of Un-Plasticised Polyvinyl Chloride (UPVC) windows on the front elevation of Rajasthan, 61 Railway Road, King's Lynn, Norfolk
- The requirements of the notice are:
 - (i) the UPVC windows to the front elevation are permanently removed and the land restored to its former condition involving replacement timber windows as shown in Appendix A attached.
- The period for compliance with the requirements is: 6 months.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act ("the DPA").

Summary of decision: The appeal is dismissed and the enforcement notice is upheld with a correction in the terms set out below in the Formal Decision.

Preliminary Matters

1. The new King's Lynn and West Norfolk Local Plan 2021-2040 ("KLWNLP") was adopted by the Council in March 2025. It replaces the policies referred to in the enforcement notice and statements of case, and I have considered the comments of the parties on this change in coming to my decision.
2. Section 176 of the Act empowers me to correct defects, errors or misdescriptions. Although there is little ambiguity in the meaning of the requirements in Section 5.(i) of the Notice, they are missing the verb requiring action. No injustice would occur to either party were I to delete the word 'are' and replace it with the words, "shall be", and I will do so in my formal decision.

Background and Main Issue

3. 61 Railway Road ("No.61") hosts the Rajasthan restaurant and is located within the Norfolk Street Area of the King's Lynn Conservation Area ("KLCA").
4. The appellant advises that during the COVID-19 lockdown period he replaced the original windows with those now installed.
5. The main issue is the effect of the development on the character and appearance of the building and the area, with particular regard to whether the development preserves or enhances the character or appearance of the KLCA.

Reasons

6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the KLCA.
7. The Norfolk Street Area Conservation Area Character Statement (2003) ("CACS") acknowledges the founding of King's Lynn from the 12th Century and onwards, associated with trade. The railway arrived in 1844 and by the 1850's much of Railway Road had been developed and was lined with shops with dwellings on the upper floors.
8. From the information before me, the significance of this part of the KLWNLP is found in its instructive illustration of urban domestic and commercial design of the second half of the 19th Century.
9. In the 1980s an Article 4 Direction was made and approved by the Secretary of State removing 'permitted development' rights for certain domestic alterations. The CACS indicates this occurred as the Council became increasingly concerned about alterations to the exterior of unlisted historic buildings which were diluting the special character of the conservation area, including the replacement of traditional timber window frames with plastic.
10. The Council appears to acknowledge that the timber sliding sash windows were in a poor state of repair, but their replacement with plastic uPVC, rather than timber framed windows, removes these traditional features from the building. The uPVC windows installed have a broader, chunkier appearance, and their means of opening means their profile in depth is markedly different from the timber sliding sash windows in the building previously and seen on other buildings in the area. The development is harmful to the significance of the KLCA, and this harm is 'less than substantial' in the terms of the National Planning Policy Framework ("the Framework").
11. The appellant refers to a number of properties where uPVC windows have also been installed. Many of those detract from the character and appearance of the KLCA, but the Council advises most were installed some time ago and therefore cannot be enforced against, or that enforcement investigations have commenced. At the Cancer support centre building aluminium sliding sash windows of similar profiles to others in the area were installed with planning permission. And only two other plastic windows identified by the appellant may therefore be capable of enforcement action, depending on the actual date of installation.
12. At my site visit I noted that a significant number of traditional buildings on the road retained timber windows of traditional appearance, including the buildings either side of No.61. Traditional timber windows therefore remain a part of the historic character of this part of the KLCA, and their replacement with windows of non-traditional proportions harms its character and appearance and significance.
13. In conclusion, the development is harmful to the character of the building, harms the significance of the KLCA and does not preserve or enhance its character or appearance. It therefore conflicts with Policies LP18, LP20 and LP21 of the KLWNLP. Together these policies require development to respond sensitively to the local setting, retain traditional features and preserve or enhance the character or appearance of conservation areas.

Other Matters and the Planning Balance

14. The Framework requires me to weigh the harm to the significance of the KLCA against the public benefits of the development. It also states that any harm to significance of a designated heritage asset should require clear and convincing justification, and that great weight should be given to the assets conservation.
15. The appellant advises that the windows were replaced on account of their poor state of repair and concern for public safety to pedestrians on the footway in front of the building. I note the Council have not objected to replacement of the windows, but rather to the effect of the particular windows installed on the character and appearance of the building and the area.
16. Replacement with traditional timber sliding sash windows would have remedied the public safety concern, and the installation of uPVC windows was therefore not the only remedy to these public safety concerns. I therefore attach only limited weight to its public benefits in favour of the development.
17. I attribute significant weight to the harm to the significance of the KLCA, the conflict with development plan policies and to my statutory duty, and the public benefits of the development do not outweigh the harm and conflicts identified.
18. The development therefore conflicts with the development plan and there are no other material considerations that require a decision to be made other than in accordance with the development plan.

Conclusion

19. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a correction and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Formal Decision

20. It is directed that the enforcement notice is corrected by:
21. In Section 5.(i), the deletion of the word "are" and its substitution with the words "shall be".
22. Subject to the correction, the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Peter White

INSPECTOR