

Recommendation Report for Lawful Development Certificate for a Proposed Use or Development

REF NO: FP/41/26/CLP

LOCATION: 58 Downview Road
Felpham
PO22 8JA

PROPOSAL: Application for certificate of lawfulness for a proposed conversion of garage to habitable garden room.

DESCRIPTION OF APPLICATION

As above.

RELEVANT SITE HISTORY

FP/119/25/CLP	Lawful development certificate for the proposed replacement of existing rear conservatory and porch with a 4m deep single storey extension.	PP Not Required 07-10-25
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REPRESENTATIONS

Representations Received:

CONSULTATIONS

Consultations Responses Received:

LEGISLATIVE BACKGROUND

Section 192(2) of the Town and Country Planning Act 1990 states:-

If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

In this instance the proposed works will be assessed against the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

- Class E, which pertains to buildings incidental to the enjoyment of the dwellinghouse.

Provided the proposed works satisfy the relevant criteria, and that no restrictive conditions to development have been imposed on the site, the proposed works will constitute Permitted Development and would not require planning permission. If the works fail to accord with the criteria then planning permission will be required for them to take place.

The internal works to facilitate the garage conversion will also be assessed against Section 55(2) of the Town and Country Planning Act 1990 (as amended) regarding the meaning of development. This legislation states that:

(2) The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land-

- (a) the carrying out for the maintenance, improvement or other alteration of any building of works which-
 - (i) affect only the interior of the building, or
 - (ii) do not materially affect the external appearance of the building.

CONCLUSION

The garage conversion falls under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Permitted development

E. The provision within the curtilage of the dwellinghouse of -

(a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or

(b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.

Development not permitted

E.1 Development is not permitted by Class E if -

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);

(b) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

(c) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;

(d) the building would have more than a single storey;

- (e) the height of the building, enclosure or container would exceed -
 - (i) 4 metres in the case of a building with a dual-pitched roof,
 - (ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or
 - (iii) 3 metres in any other case;
- (f) the height of the eaves of the building would exceed 2.5 metres;
- (g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;
- (h) it would include the construction or provision of a verandah, balcony or raised platform;
- (i) it relates to a dwelling or a microwave antenna; or
- (j) the capacity of the container would exceed 3,500 litres.; or
- (k) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)

The property known as 58 Downview Road, Felpham is a detached dwelling and is neither listed nor located within a Conservation Area. The resultant converted garage, when considered as a whole, following the external alterations to facilitate the garage conversion would not exceed the limitations of Schedule 2, Part 1, Class E of the General Permitted Development Order 2015 (as amended). The internal alterations would not constitute development as set out at Section 55(2) of the Town and Country Planning Act 1990 (as amended) and as such, do not require planning permission.

There are no permitted development restrictions upon this property.

The proposed garage conversion complies with relevant sections of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 and Section 55(2) of the Town and Country Planning Act 1990 (as amended). It is considered to be permitted development as as such does not require the submission of an application for full planning permission.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 22 April 2026 the development described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and edged in black on the plan attached to this certificate, would have been lawful within the meaning of Section 192 of the Town & Country Planning Act 1990 by reason of compliance with the relevant criteria within Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 and Section 55(2) of the Town and Country Planning Act 1990 (as amended).

FIRST SCHEDULE

The proposed garage conversion as shown on the following plans:

- Location Plan
- Proposed Elevations
- Proposed Plans
- Planning Statement

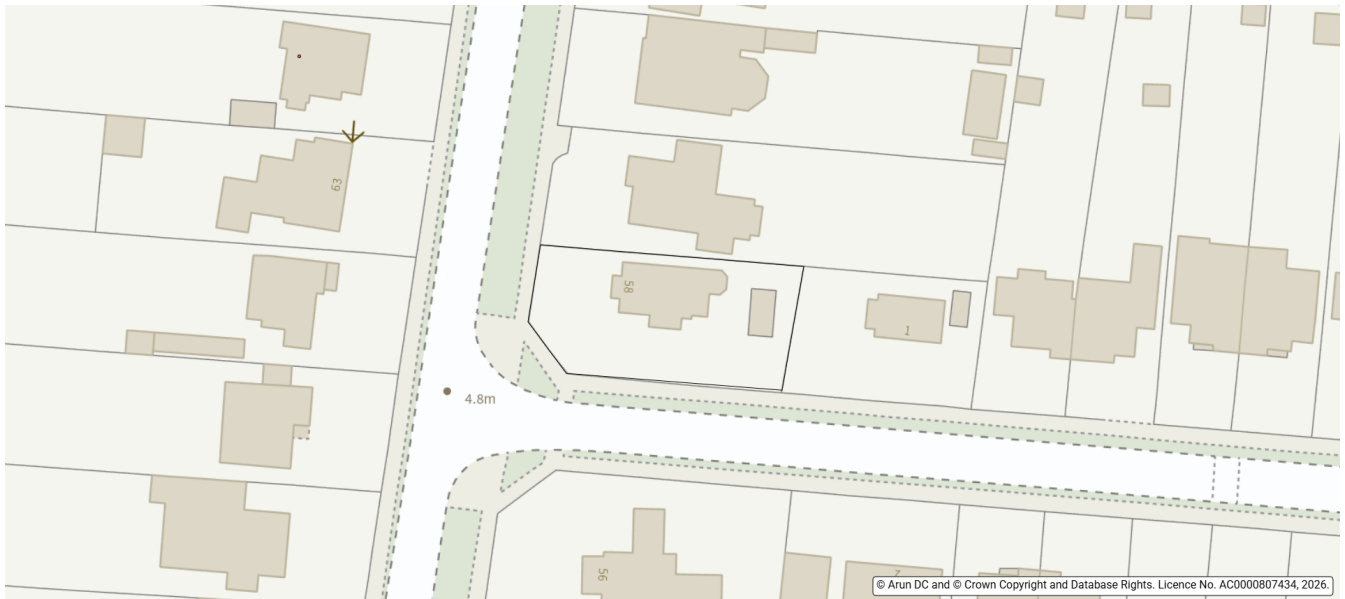
SECOND SCHEDULE

58 Downview Road, Felpham, PO22 8JA.

EXTENT OF USE

Conversion of garage to a habitable garden room.

FP/41/26/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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