

# Appeal Decision

by [REDACTED] MRICS

an Appointed Person under the Community Infrastructure Regulations 2010 as Amended

[REDACTED]

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Appeal Ref: [REDACTED]

[REDACTED]

***Development: Part two storey/part single storey front extension incorporating new garage with accommodation over and roof extension with front and dormer windows.***

***Planning permission details: Planning permission [REDACTED] granted by [REDACTED]***

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## Decision

I determine that the Community Infrastructure Levy (CIL) has been calculated correctly in the sum of £ [REDACTED]

## Reasons

1. I have considered all the submissions made by appellant [REDACTED]. There have been no representations made by the Charging Authority. In particular I have considered the information and opinions presented in the following submitted documents:-

- (a) Planning application form dated [REDACTED]
- (b) Completed CIL Appeal form dated [REDACTED]
- (c) Decision Notice on review of CIL chargeable amount dated [REDACTED]
- (d) Decision Notice granting planning permission dated [REDACTED]
- (e) Site plan
- (f) CIL Liability Notice (Revised) issued by [REDACTED] dated [REDACTED]
- (g) Copy of plans (not to scale) of proposed development
- (h) Copy of Planning Portal definition of Gross Internal Area
- (i) Copy of note headed RICS Code of Measuring Practice definition of Gross Internal Area (GIA)
- (j) Plan (not to scale) of existing second floor

(k) Copy of original CIL Liability notice issued by [REDACTED] dated [REDACTED]

(l) Grounds of Appeal summary document received from appellant

1. The appellant made an application to the [REDACTED] on [REDACTED] for the 'Proposed extensions to the front elevation including new garage with accommodation over, additional rooms within roof space to be served by new dormer windows.'

2. Planning permission was granted on [REDACTED] for 'Part two storey/part single storey front extension incorporating new garage with accommodation over and roof extension with front and dormer windows'.

3. [REDACTED] issued a Liability Notice dated [REDACTED] in the sum of £ [REDACTED]. ( [REDACTED] Net Additional Floor space @ £ [REDACTED] per m2)

4. [REDACTED] issued a Revised Liability Notice dated [REDACTED] in the sum of £ [REDACTED]. ( [REDACTED] Net Additional Floor space @ £ [REDACTED] per m2)

4. On [REDACTED], the Valuation Office Agency received CIL appeal made by [REDACTED] under Regulation 114 (chargeable amount) that the CIL charge should be £ [REDACTED] on the following grounds:-

(1) Proposed floor space [REDACTED] sqm. Existing floor space [REDACTED] sqm. Net additional floor space [REDACTED] sqm @ [REDACTED] m2 =£ [REDACTED].

(2). The appellant contends that [REDACTED] have incorrectly excluded all existing floor space on the second floor that is less than 1.5m headroom when calculating the Gross Internal Area of the existing development.

(3) The appellant contends that floor space on the second floor that is less than 1.5m headroom should be included when calculating the Gross Internal Area of the existing development.

8. I would comment as follows on the appeal.

(a). The Gross Internal Area of the proposed development is not disputed, both the appellant and [REDACTED] have adopted [REDACTED] m2.

(b). Gross Internal Area (GIA) is not defined in the Community Infrastructure Levy Regulations 2010.

(c). The generally accepted method of calculation of GIA is set out in the RICS Code of Measuring Practice (6<sup>th</sup> edition);

Gross Internal Area is the area of a building measured to the internal face of the perimeter walls at each floor;

Including

- Areas occupied by internal walls and partitions
- Columns, piers, chimney breasts, stairwells, lift-wells, other internal projections, vertical ducts, and the like
- Atria and entrance halls, with clear height above, measured at base level only
- Internal open-sided balconies walkways and the like
- Structural, raked or stepped floors are to be treated as level floor measured horizontally
- Horizontal floors, with permanent access, below structural, raked or stepped floors

- Corridors of a permanent essential nature (e.g. fire corridors, smoke lobbies)
- Mezzanine floors areas with permanent access
- Lift rooms, plant rooms, fuel stores, tank rooms which are housed in a covered structure of a permanent nature, whether or not above the main roof level
- Service accommodation such as toilets, toilet lobbies, bathrooms, showers, changing rooms, cleaners' rooms and the like
- Projection rooms
- Voids over stairwells and lift shafts on upper floors
- Loading bays
- Areas with a headroom of less than 1.5m
- Pavement vaults
- Garages
- Conservatories

Excluding;

- Perimeter wall thicknesses and external projections
- External open-sided balconies, covered ways and fires
- Canopies
- Voids over or under structural, raked or stepped floors
- Greenhouses, garden stores, fuel stored, and the like in residential property

9. The CIL Regulations do not define Gross Internal Area so it is necessary to adopt a definition of Gross Internal Area. The definition of Gross Internal Area provided in the RICS Code of Measuring Practice (6<sup>th</sup> edition) is the generally accepted method of calculation and I have applied this definition when calculating the net additional floor space.

10. The total floor area of the existing development has been calculated from the representations received to be [REDACTED] sqm. This comprises ground floor [REDACTED] m2 GIA, first floor [REDACTED] m2 GIA and second floor [REDACTED] m2 GIA.

11. Accordingly the net new additional space has been calculated as [REDACTED] m2 Gross Internal Area.

12. The area of the chargeable development of [REDACTED] m2 Gross Internal Area has been charged at a rate of £[REDACTED] per m2 to give a total CIL charge of £[REDACTED]. The floor area of the chargeable development is above 100m2, and does not therefore qualify for the exemption for minor developments under Regulation 42 (1). In conclusion, based on the evidence before me, I conclude that I determine that the Community Infrastructure Levy (CIL) has been calculated correctly in the sum of £[REDACTED] ([REDACTED]).

[REDACTED]  
 RICS Registered Valuer  
 District Valuer