

Appeal Decision

by [REDACTED] BA (Hons) MRICS

an Appointed Person under the Community Infrastructure Regulations 2010 (as Amended)

Valuation Office Agency

[REDACTED]

Email: [REDACTED]@voa.gsi.gov.uk

Appeal Ref: [REDACTED]

Planning Permission Ref. [REDACTED] granted by [REDACTED]
on [REDACTED]

Location: [REDACTED]

Development: Change of use of [REDACTED] to dwelling house use
Class C3. Erection of single/ first floor/ two storey and front, side and rear
extensions.

Decision

I therefore determine that the CIL payable in respect of the above development in
accordance with the Regulation 40 formula should be [REDACTED] sq m x £[REDACTED] x [REDACTED] =
£[REDACTED] ([REDACTED]).

Reasons

1. I have considered all the submissions made by [REDACTED] (the agent) on behalf of
[REDACTED] (the appellant) and the Collecting Authority (CA), [REDACTED] in
respect of this matter. In particular, I have considered the information and opinions
presented in the following documents:-

- (a) Planning permission decision notice dated [REDACTED].
- (b) The CA's Liability Notice dated [REDACTED].
- (c) The agent's authority to act on behalf of the appellant dated [REDACTED].
- (d) The appellant's Regulation 113 request dated [REDACTED].
- (e) The CA's response to the review request dated [REDACTED].
- (f) The appellant's appeal form received on [REDACTED].
- (g) Various plans and drawings provided alongside the appeal documentation and received
by this office on [REDACTED].
- (h) The CA's representations dated [REDACTED].

2. Planning permission was granted on [REDACTED] by [REDACTED] for a change of use of veterinarian practice to a dwelling house use class C3 and the erection of single, first floor and two storey front, side and rear extensions.

3. On [REDACTED] the CA issued a Liability Notice reference number [REDACTED] in the sum of £[REDACTED], based on net additional floor space of [REDACTED] square metres (sq m).

4. A review request was submitted by the appellant's agent to the CA on [REDACTED] and the CA responded on [REDACTED]. The CIL charge remained unaltered.

5. The appellant's agent submitted a CIL Appeal dated [REDACTED] to the Valuation Office Agency under Regulation 114 (chargeable amount) stating that the chargeable amount should be based on a deemed net chargeable area of [REDACTED] sq m. The appeal was received by this office on [REDACTED].

6. The grounds of the appeal was that the GIA had been calculated incorrectly and not in accordance with the RICS Code of Measuring Practice. The appellant is of the opinion that the first floor void areas resulting from the sloping roof design, the first floor void area above the entrance lobby and the first floor atrium / stairwell area should be excluded from the GIA calculation.

7. The CA submitted representations on [REDACTED]. The CA's representations can be summarised as follows:-

The RICS Code of Measuring Practice 6th Edition defines Gross Internal Area (GIA) as "the area of a building measured to the internal face of the perimeter walls at each floor level". This is clarified in the exclusions and inclusions to say that atria and entrance halls with clear height above are measured at base level only. The plans (Appendices A and B) have consequently been measured to the internal face of the external wall shown in grey on each floor level, except where a void is marked over the entrance hall on the first floor of the proposed plan to allow for the "clear height above". These measurements resulted in a Gross Internal Area of [REDACTED] square metres.

8. The appellant did not submit further comments.

9. I found that there was no consensus between the appellant and the CA in respect of the existing or proposed GIA calculations. The appellant considers the GIA of the proposed development to be [REDACTED] sq m whilst the existing building has a GIA of [REDACTED] sq m. The CA considers the GIA of the proposed development to be [REDACTED] sq m whilst the existing building has a GIA of [REDACTED] sq m.

10. Both parties agree that GIA is the required basis of measurement under the CIL Regulations.

11. Whilst the CIL Regulations do not further define GIA, the RICS Code of Measuring Practice 6th Edition (the code) states:

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

Including:-

2.1 Areas occupied by internal walls and partitions

2.2 Columns, piers, chimney breasts, stairwells, liftwells, other internal projections, vertical ducts and the like

- 2.3 Atria and entrance halls, with clear height above, measured at base level only
- 2.4 Internal open-sided balconies, walkways, and the like
- 2.5 Structural, raked or stepped floors are to be treated as a level floor measured horizontally
- 2.6 Horizontal floors, with permanent access, below structural, raked or stepped floors
- 2.7 Corridors of a permanent essential nature (e.g. fire corridors, smoke lobbies)
- 2.8 Mezzanine floor areas with permanent access
- 2.9 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
- 2.10 Service accommodation such as toilets, toilet lobbies, bathrooms, showers, changing rooms, cleaners' rooms, and the like
- 2.11 Projection rooms
- 2.12 Voids over stairwells and lift shafts on upper floors
- 2.13 Loading bays
- 2.14 Areas with a headroom of less than 1.5m
- 2.15 Pavement vaults
- 2.16 Garages
- 2.17 Conservatories

Excluding

- 2.19 External open-sided balconies, covered ways and fire escapes
- 2.20 Canopies
- 2.21 Voids over or under structural, raked or stepped floors
- 2.22 Greenhouses, garden stores, fuel stores and the like in domestic property

12. In addition, GIA 7 states that voids over atria at upper levels and where an atrium-like space is formed to create an entrance feature should be excluded. This also applies where an atrium feature accommodates a staircase, and so this does not become a stairwell but remains an atrium measurable at base level only.

13. The CA has excluded only the first floor area atria above the entrance hall whilst the appellant has excluded both the first floor areas above the entrance hall and staircase atria. Having regard to 12 above, I have excluded the first floor areas over both the entrance lobby atria and the atrium space which accommodates the curved stairwell above the ground floor entrance lobby from my calculations of GIA.

14. I then considered whether the void areas on the first floor within bedroom 4, the master bedroom en-suite and the guest bedroom which the appellant's agent states will not have permanent access should be excluded from GIA calculations.

15. GIA 4 states that the internal face means the brick/block work or plaster coat applied to the brick/block work, not the surface of internal linings installed by the occupier. It does not state that GIA should be measured to the internal stud walls. This is helpful when considering whether the void areas between the stud partition and the main structure should be included in the GIA calculation. However, The RICS definition does clearly state that GIA is the area of a building measured to the internal face of the perimeter walls at each floor level. If a loft area does not have permanent access nor floorboards then clearly it is not a 'floor level' and should not be included in the GIA. In this case, whilst there is generally permanent access to the floor level there is no access to parts because of walls and partitioning. Those parts are unlikely to have floor boarding as they have no access. If partition walls are built, as in this case, these partition walls may become the 'perimeter walls' of this floor level because there is strictly speaking no wall behind these partition walls, only the underside of the roof.

16. Having fully reviewed all of the documentation and having regard to the RICS guidance above, I consider that the voids in the roof space with no permanent access and the first floor atria areas should be excluded from the GIA calculations.

17. I have scaled measurements from the plan provided and conclude that the GIA of the proposed building is [REDACTED] sq m.

18. Neither the appellant nor the CA disputes inclusions/exclusions of the retained parts of the existing building as drawn on plan reference [REDACTED]. However, the overall calculations of GIA differ between the parties

19. I have scaled measurements from the plans provided and I conclude that the CA's area of [REDACTED] sq m for the existing building is robust

20. No representations have been received in respect of the rate of £[REDACTED] per sq m or the rate of indexation on the Liability Notice.

21. I therefore consider that the net chargeable area should be [REDACTED] sq m ([REDACTED] sq m less [REDACTED] sq m).

22. I therefore determine that the CIL payable in respect of the above development in accordance with the Regulation 40 formula should be [REDACTED] sq m x £[REDACTED] x [REDACTED] = £[REDACTED] ([REDACTED]).

[REDACTED] MRICS
RICS Registered Valuer
Valuation Office Agency
[REDACTED]