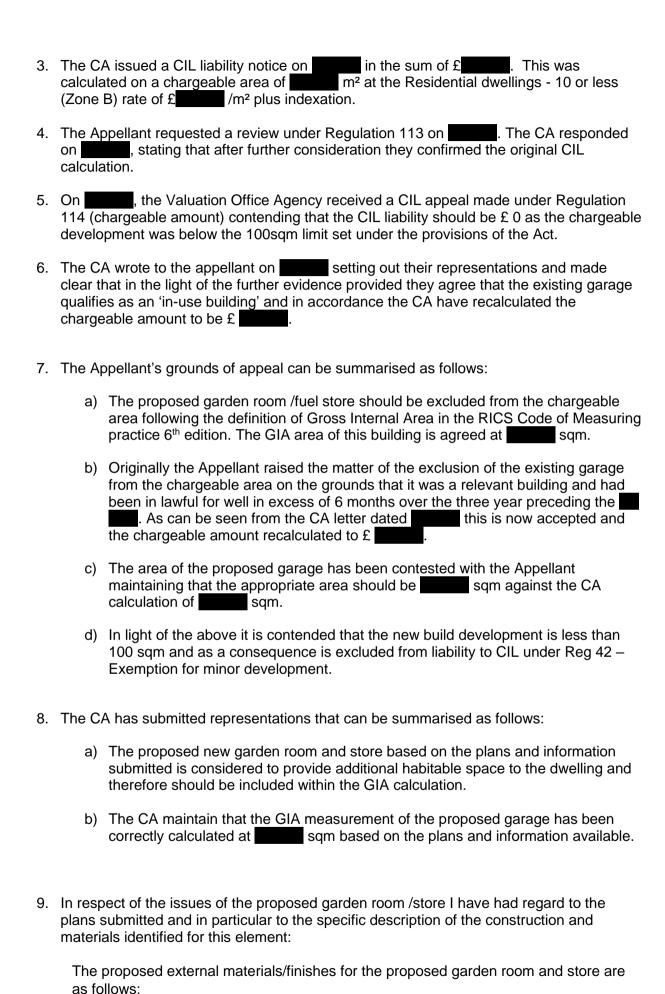
## **Appeal Decision**

by	MRICS
an Appointed Pers Amended	

an Appointed Person under the Community Infrastructure Levy Regulations 2010 as Amended

Valuation Office Agency Wycliffe House Green Lane Durham DH1 3UW e-mail: @voa.gov.uk Appeal Ref: 1783104 Planning Permission Ref.: **Proposal:** Erection of extensions, garage and garden room, alterations to elevations and fenestration with associated landscaping, following demolition of existing extension, garage and garden room (as amplified by letter dated and amended by plans received ). Location: **Decision** I determine that the Community Infrastructure Levy (CIL) payable in this case should be £0 (Nil) Reasons 1. I have considered all of the submissions made by the (the Appellant) and by the Collecting Authority, (CA) in respect of this matter. In particular I have considered the information and opinions presented in the following documents:a) Planning decision ref b) Approved planning consent drawings, as referenced in planning decision notice; c) CIL Liability Notice ref d) CIL Appeal form dated in the including appendices; e) Representations from CA dated f) Appellant comments on CA representations, dated 2. Planning permission was granted under application no on for the erection

of extensions, garage and garden room, alterations to elevations and fenestration with associated landscaping, following demolition of existing extension, garage and garden room (as amplified by letter dated and amended by plans received).



**OFFICIAL** 

Roof: Coloured low profile metal sheeting

Walls: Coloured vertical boarding

Windows /Doors: Upvc/colour coated aluminium

Doors: painted timber

- 10. The definition of Gross Internal Area (GIA) is not defined within the Regulations and therefore the RICS Code of Measuring Practice definition is used. GIA is defined as "the area of a building measured to the internal face of the perimeter walls at each floor level." Within this definition the areas to be excluded from this are perimeter wall thicknesses and external projections; external open-sided balconies, covered ways and fire escapes; canopies; voids over or under structural, raked or stepped floors; and greenhouses, garden stores, fuel stores and the like in residential property.
- 11. Having regard to the information available I am of the opinion that the proposed garden room and store are of a size, type and construction that would qualify them to be **excluded** from the calculation of the GIA. In the light of the above I am of the opinion having regard to all the information submitted by both by Parties in relation to the size and construction of the new garden room that the area of this element of the proposed scheme should **not** be included within the calculation of the chargeable area.
- 12. In respect of the dispute of the GIA of the proposed garage I have reviewed the plans provided. I would maintain the Appellants approach of using the external measurements and then deducting an amount to reflect the thickness of the walls would not give the most accurate result. The CA state that they maintain the accuracy of their calculation /measurement derived from the same plans.

In addressing this particular matter I have based my calculations from an A3 copy of the plan submitted (ref ). From this I have been able to confirm the accuracy of the scale of these plans at a scale of 1/100 and having measured the proposed new garage in accordance with RICS Code of measuring practice. From this I have determined the area of the proposed garage at sqm.

- 13. The consequence of the exclusion of the proposed garden room (agreed at sqm) and the adoption of an area of sqm on the proposed garage gives and adjusted chargeable area of sqm.
- 14. Clearly the impact of such small changes to this calculation are very impactful in this matter. I therefore conclude that the provisions of Regulation 42, Exemption for Minor Development, which states that "Liability to CIL does not arise in respect of a development if, on completion of that development, the gross internal area of new build on the relevant land will be less than 100 square metres", will apply.
- 15. Therefore I determine that the Community Infrastructure Levy (CIL) payable in this case should be £ 0 (Nil)



9th March 2022.