

NORTHERN IRELAND VALUATION TRIBUNAL
THE RATES (NORTHERN IRELAND) ORDER 1997 (AS AMENDED)
AND THE VALUATION TRIBUNAL RULES (NORTHERN IRELAND) 2007

CASE REFERENCE NUMBER: 21/16

JAMES CUNNINGHAM - APPELLANT

AND

COMMISSIONER OF VALUATION FOR NORTHERN IRELAND – RESPONDENT

NORTHERN IRELAND VALUATION TRIBUNAL

DATE OF HEARING: 10 JANUARY 2018

Chairman: Stephen Wright

Members: Mr Christopher Kenton FRICS and Ms Noreen Wright

DECISION

1. The unanimous decision of the Tribunal is that the Appellant's appeal is not allowed and the Capital Valuation assessed as £270,000 for the property situated at 64 Ballymageogh Road, Kilkeel BT34 4SX, is upheld

Introduction

2. The Appellant, Mr James Cunningham, was represented by his wife Mrs Ciara Cunningham, the Respondent was represented by Ms Bennett for the Commissioner of Valuation. Both parties were of great assistance to the Tribunal in the detailed presentation of their respective cases.

The Subject Property

3. The property which is the subject of the appeal is 64 Ballymageogh Road, Kilkeel BT34 4SX, hereinafter referred to as the "subject property". The subject property comprises a post 1990 detached bungalow, constructed in 2016, set in a rural location approximately 3 miles from Kilkeel town centre. The subject property has a Gross

External Area (GEA) of 226m² and a detached garage of 40m². The subject property was originally assessed by the District Valuer (DV) as having a site positive “Sea View”. On appeal to the Commissioner of Valuation (COV), the subject property has been amended from a description of “Sea View” to “Sea View Limited”. The subject property is described as comprising of a garage (GEA 40m²), double-glazed PVC windows, full central heating, sea view limited, mains water and electricity, septic tank, and as being ‘in average external repair’ with a Capital Value (CV) assessed as £270,000.

The Background to this Appeal

4. On 27 September 2016 a valuation certificate was issued by the DV entering the subject property as a new hereditament into the Valuation List with a CV of £300,000.
5. On 20 October 2016 - the DV’s decision was appealed to the COV and the property was inspected by Edel Mackin who recommended a reduction in CV from £300,000 to £270,000 in line with comparable properties in the area.
6. On 9 December 2016 - Mr Cunningham appealed the decision of the Commissioner to the Northern Ireland Valuation Tribunal (NIVT).
7. In the Notice of Appeal dated 5 December 2016 the Appellant claims that the actual CV should be £212,000 stating that “We still feel this amended figure is too high” for reasons he sets out in supporting documentation.

Documentation Considered

8. The following documents have been considered by the Tribunal:
 - a) The Notice of Appeal against Valuation for Rating Purposes (Form 3) dated 5 December 2016 with attached notes;
 - b) The Notice of Appeal to the Commissioner for Valuation dated 11 November relating to the Appeal against the assessment of £300,000, dated 13 October 2016;

- c) Valuation Certificate issued on 11 November 2016 valuing the subject property at £270,000;
- d) A document entitled “Presentation of Evidence” by Edel Mackin MRICS on behalf of Commissioner for Valuation with attached appendices, namely: Appendix 1 - Schedule of comparable; Appendix 2 - Photographs of 62 Ballymageogh Road Kilkeel; Appendix 3 - Location Map; Appendix 4 - Appellants list of Comparable properties;
- e) Email from Ciara Cunningham dated 30 May 2017 with observations on the COV Presentation of Evidence;
- f) Response to Ciara Cunningham’s observations forward by email on 27 June 2017;
- g) Late evidence (which was agreed) of a photograph of a wall at a new property opposite 62 Ballymageogh Road Kilkeel, dated 5 December 2017 and
- h) Notices of Adjournment and Hearing Notices including the final one, dated 21 November 2017.

9. At the commencement of the proceedings both parties agreed into evidence the Presentation of Evidence of Edel Mackin, who is on long term absence. Further, both parties agreed the reception of the Photograph of the wall of the new property opposite 62 Ballymageogh Road Kilkeel dated 5 December 2017 as stated above.

The Relevant law

10. The statutory provisions are set out in the Rates (Northern Ireland) Order 1977 (“the 1977 Order”) as amended by the Rates (Amendment) (Northern Ireland) Order 2006 (“the 2006 Order”). Article 54 of the 1977 Order enables a person to appeal to this Tribunal against the decision of the Commissioner on appeal regarding the capital value.

11. Schedule 12 Part I of the 1977 Order, as amended, states as follows:

“7(1) subject to the provisions of this schedule, for the purposes of this Order the capital value of a hereditament shall be the amount which, on the assumptions mentioned in Paragraphs 9-15, the hereditament might reasonably be expected to realise if it had been sold on the open market by a willing seller on the relevant capital valuation date.

(2) in estimating the capital value of a hereditament for the purposes of any revision of a valuation list, regard shall be had to the capital values in that valuation list of comparable hereditaments in the same state and circumstances as the hereditament whose capital value is being revised. ...

(4) in sub-paragraph (1) “relevant to capital valuation date” means 1st January 2005 or such date as the Department may substitute by order made subject to a negative resolution for the purposes of a new capital valuation list.”

(7) Article 54(3) of the 1977 Order provides that on appeal any valuation shown in a valuation list shall be deemed to be correct until the contrary is shown. Thus, any Appellant must successfully challenge and displace the presumption of correctness otherwise the appeal will not be successful.”

The Evidence and Submissions of the Respondent

12. The Respondent referred to the document referred to as the Presentation of Evidence by Edel Mackin the Chartered Valuation Surveyor and attached schedule of comparable evidence and the photographs of comparable properties which she states support her assessment of the Capital Valuation.

13. The Respondent referred in the Presentation of Evidence to the description and brief history on the subject property as set out at paragraph 3-7 above of this Decision.

14. Ms Mackin, in her Presentation of Evidence on behalf of the Commissioner, explained that the Appellant had submitted a detailed list of neighbouring properties located on the same road as the subject property (see Table at Appendix 4). These have been devalued to a price/m² and compared with the subject property. Some of these houses are older, significantly different in size or are not recorded as having any type of sea view (Appendix 4 refers), therefore in the Valuer’s opinion they are not in the same state and circumstances as required by Schedule 12 of the 1977 Order and less weight should therefore be attached to them. As regards devaluing comparable to a price/m², Ms Mackin referred the Tribunal to the decision of the NIVT in the case of *Ashraf Ahmed v Commissioner of Valuation NIVT 12/15* in which the Appellant had selected comparables and devalued them to a price/m² which he sought to apply to his

own property. The Tribunal in that case did not accept that arriving at a Capital Value could be achieved by an arithmetical exercise.

- 15.** As regards comparables not being of the same era/age, the valuer referred the Tribunal to the decision of the NIVT in the case of *Alistair Church v Commissioner of Valuation NIVT 41/15*. In this case the Appellant had appealed the Respondent's decision on the grounds that the CV was too high relative to all properties of a similar size, regardless of age/vicinity/outbuildings etc. It was held that newly constructed properties will always achieve a higher price on the open market than older properties (and that would have been the case on 1 January 2005) and logically in assessing Capital Values for new properties then older property Capital Values should not carry the same weight as newer property Capital Values.
- 16.** Ms Bennett in her submissions referred to the Tone of the List. As directed by Schedule 12 paragraph 7 (2), that when carrying out a revision of the Valuation List "*regard shall be had to the Capital Values in the Valuation List of comparable hereditaments in the same state and circumstances*". Edel Mackin stated that she had considered the Capital Value assessments of other properties in the Valuation List that in her opinion were in the same state and circumstances as the subject property (including properties with site positive 'Sea View Limited'). The Valuer has detailed these comparables in Appendix 1 of the Presentation of Evidence. It is clear from these comparables that in this locality, as in many coastal locations, and reflecting sales evidence, a premium is added to the Capital Values of properties with a 'Sea View Limited'.
- 17.** Ms Mackin's Presentation of Evidence refers to the Comparable properties and makes the following comments, Comparables 1-3 in Appendix 1, refer to 35 Ballymaderfy Road Kilkeel, post 1990 property GEA 230m² Garage 63m² with a CV of £280,000; 47 Ballymaderfy Road Kilkeel, post 1990 property GEA 240m² garage 55m² with a CV of £280,000 and 30A Ballymaderfy Road Kilkeel, post 1990 property GEA 227m² with a CV of £290,000. All of these comparable properties 1-3 are also described as "Sea View Limited" and are located on a neighbouring road, The Valuer therefore considered that these properties were in similar state and circumstances to the subject property in terms of age, size and location and all benefit from 'Sea View'.

- 18.** Comparable property 4 is situated at 34A Ballymaderfy Road, Kilkeel. The property is post 1990 detached bungalow with a GEA of 217 m². The property is also of similar size and located on the same neighbouring road but does not have a 'Sea View Limited' recorded on LPS records. However, in Ms Mackin's submission, its CV of £265,000 is clearly assessed in line with comparables 1-3 and therefore reflective of also having a 'Sea View Limited' (digital mapping and aerial photography would support assumption this property has an open aspect toward the sea). In her opinion this comparable property also supports the subject's property's current CV of £270,000.
- 19.** Comparable property 5 is 61 Ballymageogh Road and is described as benefitting from a 'Sea View Limited'. It is valued at £305,000 with GEA of 280m² (adjusted for its larger GEA than the subject property). It is located opposite the subject property. The Valuer considered this comparable property as also supporting the subject property's current CV of £270,000. This property was recently re-assessed by the District Valuer as a result of the Appeal to the COV on the subject property.
- 20.** Comparable property 6 is 56 Ballymageogh Road and Ms Mackin considers it to be in a similar state and circumstances to the subject property in terms of age, size and location and also benefits from a 'Sea View Limited'. It has a GEA of 200m² (adjusted for its smaller GEA than the subject property). Ms Mackin considers that this comparable property supports subject property's current CV of £270,000. This property was also recently re-assessed by the District Valuer as a result of the Appeal to the COV on the subject property.
- 21.** Comparable properties 7 & 8, namely 61, Benagh Road, Kilkeel and 379 Newry Road, Kilkeel are further away from subject property than comparable properties 1-6 and therefore the valuer would attach somewhat less weight to them but she has nevertheless included them for fullness and as the Appellant has also referred to them. Comparable property 7 is recorded as being occupied by a full-time farmer and therefore a 20% agricultural allowance has been applied to its CV. Its unadjusted CV would therefore be £200,000 which, when adjusted for its smaller GEA and lack

of a garage, the Valuer considers that this also supports the subject property's current CV of £270,000 and reflects that both properties have sea views.

22. Finally comparable property 8, when adjusted for lack of a garage, would suggest the subject property's CV is high at £270,000 but as noted this property is further away from the subject property and, as an aerial photograph shows, is also in close proximity to agricultural buildings and appears to share its access with the neighbouring farmhouse.

23. Ms Mackin thus concluded that *"Given these comparables and analysis as noted above, in accordance with Schedule 12(2) of the Rates (NI) Order 1977, I consider the Capital Value of subject is fairly assessed at £270,000 which is in tone with similar properties in the area, whilst reflecting that the subject has a 'Sea View Limited'."*

24. During cross examination by Mrs Ciara Cunningham, acknowledged with gratitude the reduction in capital valuation that the Appellant had received but questioned the validity of the comparable examples and the method of calculation to justify the current CV of £270,000. Ms Bennett explained the basis of the calculation i.e. that it was not based on an arithmetical exercise but in accordance with the tone of the property and was calculated according to the statutory assumptions as set out in the case of *Ashraf Ahmed v Commissioner of Valuation*. Mrs Cunningham also asked about why more properties on the same road had not been referred to. Ms Bennett explained that the properties were selected as being comparable in age and build. In the submissions attached to the Appellant's comparable table at Appendix 4, it is asserted, inter alia *"We find it incomprehensible that a 3 bed bungalow could attract such high rates and in particular higher rates to properties of greater size located just beside us."* In her notes to the Appellant's comparable properties, Edel Mackin stated *"Numbers 18, 33, 45 and 62 are older properties than subject. Numbers 25, 45 and 96 are significantly larger than subject and Numbers 18, 25, 33, 84 and 96 have no sea views recorded."*

25. Mrs Cunningham referred to Appendix 4, the Appellant's comparable properties, and, in particular to number 56 Ballymageogh Road Kilkeel which has a GEA of 200 m² and a capital Value of £210,000, and she referred to this as being similar to the Appellant's property. Ms Bennett referred to the CV as now being listed as £230,000. Mrs Cunningham raised the issue that in seeking to raise properties of comparable value, this had caused annoyance to neighbours in that their CV had been raised and that their rates had increased accordingly by a significant amount.

26. Mrs Cunningham referred to another property that had not been introduced in any of the evidence submitted as being comparable but it was agreed that this could not be led in evidence.

27. Ms Cunningham also asked about the meaning of the term "sea view" and "limited sea view" and Ms Bennett, referring to the document headed "Answer to the Appellants Response", replied:-

"I would regard a 'sea view' as a full or largely uninterrupted view of the sea from a site ...I would regard a 'sea view limited' as a partial or interrupted view of the sea or a distant view of the coastline from a site (the latter being the case for the subject property. I accept for any valuer the classification of a sea view/sea view limited or indeed any view is a subjective matter but consider the amendment of view and Capital Value (CV) on appeal to the Commissioner of Valuation reflects the correct classification and valuation for the subject property.

LPS would be unlikely to adjust a CV to reflect which aspect front/rear/side of a property or which rooms (bedroom/kitchen/living room etc.) benefitted from a sea view, as this would be seen as a matter of personal preference determined by either an occupier's use of a room or architectural design."

28. Mrs Cunningham asked whether it would affect the valuation of the property if it was not inspected by the Surveyor on the inside., Ms Bennett replied that it would not because the statutory assumption was based on the assumption that the property was in an " average state of internal repair".

29. During questioning, Mrs Cunningham stated that the Appellant had notified the relevant authorities of the new build and in terms of discovery of the state of the property enquired whether it would not be the case that the authorities would not have been otherwise notified if the Appellant had not alerted the authorities to the subject property. Ms Bennett explained that all Building projects that required planning permission were notified to the relevant authorities.

The Evidence and Submissions by the Appellant James Cunningham

30. Mr Cunningham, in his Notice of Appeal dated 5 December 2016 and in his response to the Presentation of Evidence sets out the grounds of Appeal on behalf of the Appellant, namely that he considers that the appropriate capital value of the subject property should be reduced from £270,000 to £210,000 on the grounds that:-

- a) That the Appellant's capital valuation property when "compared to similar properties on our road" compare favourably. The appellant refers to the subject property as having a CV £270,00 a GEA as 219m² –on his calculation at £1232 per m² as compared with number 61 Ballymageogh Road, Kilkeel with a Capital Valuation of 270,000 –GEA OF 280m² -£964 per m² and 56 Ballymageogh Road, Kilkeel with a Capital Valuation of £210,000 –GEA OF 200m² -£1050 per m²
- b) The Appellant refers, inter alia, to two other local properties in the area of a similar nature with a full sea view, namely 61 Benagh Road as having a CV of £160,000 – GEA of 179m² -£893 per m² and 379 Newry Road –CV of £220,000- GEA of 228m²-£964 per m². The Appellant asserts that based on this calculation that this is considerably less than they are being asked to pay.

31. In response to the Presentation of Evidence the Appellant states:

- (a) *“Land and Property Service (LPS) have listed Comparables 1-4 in Appendix 1 as being on a neighbouring road, despite the fact there are 7 roads between us and the Ballymaderphy Road, all of which would have houses with sea views and sea views limited.*

- (b) Furthermore, LPS say Comparable 7 and 8 are further away so they would attach less weight to them but 7 is probably the same distance from us as the Ballymaderphy Road and 8 is only very marginally further along the road than the Ballymaderly Road. I would, however, question the relevance of the distance given that all these properties are in the same district i.e. Newry, Mourne and Down.
- (c) I would like to point out that Comparable 7, 61 Benagh Road, was not when I previously checked and is not now listed on LPS website as being agricultural, despite the fact there are lots of agricultural properties on LPS website which are agricultural and say they are. Even if you take the LPS value before they get a reduction for agri, its still £200,000 divide by 179m² of property equating to £1117 per m², less than us, despite the fact they have full sea view.
- (d) If we take our closest neighbour, no 61 Ballymageogh Road, they are rated on a sea view limited, the same as us, despite the fact their sea view is a full view right across the front of their property - you would be hard pushed to find a better full front view, at such a high level. They are £305,000 for 280m² of property which equates to £1089 per m²- lower than we are being rated per m².
- (e) One other example I would like to draw attention to is 9a Aughrim Road, another much closer neighbour to us than the addresses LPS are referring to. It is rated at £270,000 for 291m² of property which equates to £927 per m²- much lower than we are being rated m².
- (f) Upon advice, we compared our valuation to properties in our locality. Instead of bringing our rates down to in line with the others, they re-rated the other properties (comparable 5 & 6). We can give countless examples but are LPS going to re-rate all that we draw to their attention? It seems to be they are willing to increase any examples we give, so they don't have to re-rate us”.

32. Mrs Cunningham, on behalf of the Appellant, expanded upon these points in her submissions and referred to the photograph in respect of the wall on the new build property partially obscuring their sea view.

33. Ms Bennett had no questions for the Appellant.

- 34.** Mr Kenton inquired of Ms Bennett as to the valuing of a sea view as there is in domestic law “no legal right to a view”. Ms Bennett replied that in assessing the market value as at the date of valuation there is evidence that purchasers pay more for a sea view. In the overall quantification of CV both objective factors and subjective factors are sought to be categorised and an overall tone of the properties in the area that is sought to be established.
- 35.** In closing submissions, Ms Bennett referred to the rating process of 64 Ballymageogh Road, Kilkeel and, in particular, that the statutory basis of valuation for rating purposes as applied by Land & Property Services was detailed in the Presentation of Evidence. She considered the last paragraph of this section to be particularly relevant - *Schedule 12 also requires that in cases of revision of a Valuation List "regard shall be had to the Capital Values in the Valuation List of comparable hereditaments in the same state and circumstances"*. Further, she indicated that when entering a new property into the Valuation List such as the subject, Land & Property Services interpret this legislation as meaning 'regard' shall be had to comparable properties' in the same state and circumstances'. Or in other words valuations should be 'like with like'. Therefore she submitted that the comparable properties submitted in Appendix 1 of the Presentation of Evidence were in her opinion the best comparables available, being in the same state and circumstances as the subject property i.e. also being modern (Post 1990) detached bungalow/chalets, of a similar size, in a similar rural location with sea view limited/sea view.
- 36.** In response to the Appellant’s complaint that the Capital Valuations had been increased in relation to neighbouring properties in the area as a result of this challenge to the Capital Valuation of the subject property, Ms Bennett indicated her utmost sympathy with the Appellants dilemma but advised that the duty of the Commissioner for Valuation was to assess in accordance the statutory provisions as set out in the Rates (Northern Ireland) Order 1977 (“the 1977 Order”) and amended by the Rates (Amendment) (Northern Ireland) Order 2006 (“the 2006 Order”) and the statutory assumptions out in Schedule 12 Part I of the 1977 Order, as amended..

Observations

37. The Tribunal members have carefully considered both the Appellant's evidence and the Respondent's submissions in accordance with the Law and concluded that there were two questions upon which this appeal should be decided:

- 1) Firstly, was the Capital Value of the subject property revised in accordance with rating legislation? and
- 2) Secondly, have the Appellant's submissions to the Tribunal as to the valuation of comparable properties overcome the statutory presumption that the Capital Value is correct?

38. Turning firstly to the revision of the Capital Value. The Tribunal's function is to determine an Appeal against the Commissioners of Valuation's refusal to decrease the Capital Valuation of £270,000. The Assessment of the Valuation of property is based on Statute as set out in Schedule 12 of the 1977 Order. Article (7) (2) states, "*in estimating the capital value of the hereditament for purposes of any revision of a valuation list, regard shall be had for the capital values in the valuation list of comparable hereditaments in the same state and circumstances as the hereditament whose capital value is being revised.*"

39. Two legal issues have arisen in this case. The Appellant has challenged, or perhaps more accurately inquired, as to the method of calculation of the CV. The Respondent has referred the Tribunal to the case of *Ashraf Ahmed v Commissioner of Valuation* NIVT12/15. At paragraphs 7.6-7.7 of this judgment the Chairman, Mr Reid, stated "*the Tribunal does not accept that the Capital Value of a property can be determined or compared with the Capital Value of another property by comparing its size and Capital Value and arithmetically calculating the Capital Value per m² of either property. Rather, Schedule 12 of the 1977 Order requires that in assessing the amount which the Subject Property might reasonably have been expected to realise if it had been sold on the open market by a willing seller on the relevant AVD Antecedent Valuation Date (in this case 1 January 2005) regard must be had to the Capital*

Values in the Valuation List of comparable hereditaments in the same state and circumstances.” The Tribunal concurs with this approach.

40. Secondly, with regard to the statutory presumption and the Appellant’s submission that the Capital Valuation is too high relative to all properties of a similar size, regardless of age/vicinity/outbuildings, the Tribunal has considered the case of *Alistair Church v Commissioner of Valuation NIVT 41/15*, referred to in Ms Bennett’s submission and to page 6 of the decision in this case where the Chairman of the Tribunal, Mr O’Reilly states; *“The Members considered the Respondent’s answers to the Appellant’s submissions. He said that newly constructed properties will always achieve a higher price on the open market than older properties (and that would have been the case on 1 January 2005) and logically in assessing Capital Values for new properties then older property Capital Values should not carry the same weight as newer property Capital Values. This response was accepted by the Members as being correct.”* The Tribunal agrees with this approach.

41. In Article 54(4) of the 1977 Order it is provided that:

“On an appeal under this Article, any valuation shown in a valuation list with respect to a hereditament shall be deemed to be correct until the contrary is shown”.

Thus a Capital Value appeal will not be upheld unless an Appellant can successfully challenge the presumption of the correctness and satisfy the Tribunal that a Capital Value is not correct. The Valuation Certificate in respect of the Property shows that the valuation in the valuation list is therein certified at £270,000. Accordingly for this appeal to succeed, the Tribunal Members consider that it would have been necessary for the Appellant to prove that the Capital Value of £270,000 as certified in the Valuation Certificate was not correct.

42. In the light of the evidence and the submissions, the Tribunal therefore examined the essential issue as to whether the Appellant had put forward sufficient evidence or argument to successfully challenge the evidence emerging from the comparable properties, or other sufficient evidence or argument to effectively displace the statutory presumption of correctness or to lead the Tribunal to the conclusion that the Respondent

had misapplied the law to the facts of the matter, or otherwise made a determination concerning capital value which was vulnerable to successful challenge.

- 43.** The statutory provisions state that the capital value of the subject property shall be the amount which (on the statutory assumptions) the property might reasonably have been expected to realise if it had been sold on the open market by a willing seller on the relevant capital valuation date. Further, in estimating the capital value regard shall be had to the capital values of comparable properties in the same state and circumstances as the subject property. The Tribunal therefore conducted an analysis of the appropriateness of selection and the weight to be attached to the various comparables, insofar as this related to the statutory basis of valuation. As has been mentioned above, the comparables were challenged by the Appellant, who submitted that the comparables were not similar to the subject property.
- 44.** The Tribunal has noted the submissions made by the Appellant. The Tribunal's analysis of the evidence from the Respondent's selected comparables is that these are not inappropriate. The Tribunal was referred to Appendix 1 of The Presentation of Evidence. The subject property is a post 1990 bungalow, GEA of 226m² and a garage 40m² sea view limited.
- 45.** The Tribunal take the view that comparable number 7, namely, 61 Benagh Road Newry Kilkeel is not strictly relevant due to the Agricultural allowance aspect of this property and as such is not to be accorded much weight.
- 46.** It is noted that both parties agree that properties 5 and 6 in the Appendix 1 are the most comparable Properties. Comparable 5 namely 61 Ballymegeough Road is located opposite the subject and also benefits from a 'Sea View Limited'. It is valued at £305,000 with GEA of 280 m². Adjusting for its larger GEA than subject, The Tribunal consider this comparable supports the current Capital Valuation of £270,000. This property was recently re-assessed by the District Valuer as a result of the Appeal to the COV on the subject property.

47. Comparable Property number 6 namely 56 Ballymageogh Road is in a similar state and circumstances to subject in terms of age, size and location and also benefits from a 'Sea View Limited'. It has a GEA of 200m². Adjusting for its smaller GEA than the subject, the Tribunal considers this comparable also supports the subject property's current CV of £270,000. This property was also recently re-assessed by the District Valuer as a result of the Appeal to the COV on the subject property. In considering the tone of the subject property of the Appellant it is considered that the valuation of £270,000 sits within it.

48. As supportive evidence properties 1-3 listed in the Schedule of Comparable Properties also support that view namely property 1, 35 Ballymaderfy Road Kilkeel, post 1990 property GEA 230m², garage 63m² with a CV of £280,000; 47 Ballymaderfy Road Kilkeel, post 1990 property GEA 240m², garage 55m² with a CV of £290,000; 30A Ballymaderfy Road Kilkeel, post 1990 property GEA 227m² with a CV of £280,000. All of these comparable properties 1-3 are also described as "Sea View Limited". In considering the tone of the subject property of the Appellant it is considered that the valuation of £270,000 (recently readjusted from £300,000) sits within the tone.

DECISION

The unanimous decision of the Tribunal, for the reasons set out above, is that it was not persuaded that the Appellant's submissions that the Capital Value of £270,000.00 was not correct and the appeal is dismissed accordingly. The Capital Valuation of the property situate at 64 Ballymagough Road Kilkeel of £270,000 is correct.

Stephen Wright (Chairman of Northern Ireland Valuation Tribunal)

Date Decision Recorded in Register and issued to Parties: 30 January 2018