

LANDS TRIBUNAL FOR NORTHERN IRELAND
LANDS TRIBUNAL AND COMPENSATION ACT (NORTHERN IRELAND) 1964
IN THE MATTER OF AN APPEAL
VR/2/1988
BETWEEN
MARY NEWMAN - APPELLANT
AND
THE COMMISSIONER OF VALUATION FOR NORTHERN IRELAND - RESPONDENT

Lands Tribunal for Northern Ireland - Mr A L Jacobson FRICS

Belfast - 7th September 1988

This appeal concerned the Net Annual Value of £160 for No 10 Sycamore Grove, Sydenham Avenue, Belfast. That assessment was first entered in the Valuation List on 29th May 1986. Mrs Newman appealed to the Commissioner of Valuation who made no change by Certificate dated 19th November 1986.

Subsequently the District Valuer by Certificate dated 27th February 1987 amended the Valuation List entry by amending the description HG to H. Mrs Newman appealed again to the Commissioner of Valuation who made no change by Certificate dated 6th November 1987.

It was against that decision that Mrs Newman appealed to the Lands Tribunal on 13th January 1988. Although that appeal was technically a little late the Respondent Commissioner of Valuation had no objection to an extension of time.

Mrs Mary Newman (who was not represented) testified that a friend of hers who lived in Sandringham Mews (off Green Road) lived in an identical house which was assessed @ £148 Net Annual Value. She considered that her house should be assessed by comparison @ £145.

Mrs Newman complained:-

- (a) that her house was not as well finished as the house in Sandringham Mews;

- (b) that her house was situated in an area not as good as the area at Sandringham Mews. The Net Annual Values for Sydenham Avenue, Holywood Road, Edenvale, Dehra Grove etc (ie that area adjacent to her house) averaged at a much lower figure than the average for the area at Green Road and district adjacent Sandringham Mews;
- (c) that parking spaces in her estate were at a bare minimum leading to difficulties for visitors arriving by car, for delivery vans, Post Office vans etc;
- (d) that there is no back door to her house making bins etc to be emptied via the hall and front door;
- (e) that the sound-proofing between the houses is poor; the paintwork is poor; the door furniture is cheap; the woodwork is poor; the kitchen floor is of chipboard and the plumbing is noisy;
- (f) that twelve foot away is a row of sycamore trees and at right angles is a row of lime, sycamore and chestnut trees. These cause a lack of natural light in the kitchen/dinette and one upper bedroom causing the use of artificial light in the kitchen/dinette at all times;
- (g) that a noisy right-of-way exists 15 ft from the front door used by noisy youths leaving litter; jumping over wall (occasionally for stealing property); using foul language and loud transistor radios etc.

Mr Henry Daniel Smyth ARICS, Valuer in the Valuation and Lands Office (for the Commissioner of Valuation) spoke to a Net Annual Value of £160 made up as follows:-

House (agreed area) 73 square metres @ £2.05	£150.00
Economy 7 Electric Heating (Partial System)	<u>£ 10.00</u>
Total	<u>£160.00</u>

He submitted that the following comparables supported that assessment:-

1. No 4 Sandringham Mews (Identical to subject house)

Assessed @ £160 and analysed:-

House 73 square metres @ £2.05	£150.00
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Partial central heating	£ <u>9.00</u>
Total	£159.00 say £160.00

2. No 2 Belmont Mews

Assessed @ £188 and analysed:-

House 85 square metres @ £2.10	£178.00
Partial central heating	£ <u>10.00</u>
Total	£188.00

3. Strathearn Mews

Assessed @ £205 and analysed:-

House 93 square metres @ £2.10	£195.00
Partial central heating	£ <u>10.00</u>
Total	£205.00

4. No 5 Helgor Mews

Assessed @ £155 and analysed:-

House 74 square metres @ £2.10	£155.00
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(NB. This Assessment was £164 but recently it was found that there was no central heating although (in error) £9 had been added for partial central heating).

He agreed that No 4 Sandringham Mews had been assessed @ £148 Net Annual Value but that since the Commissioner's decision to make no change in the Net Annual Value of the subject house the assessment of £148 had been corrected to £160. As that increase was less than £30 it would only take effect from 1st April next year (1989).

Mr Smyth accepted that there was a marginal difference in situation between the Sycamore Grove and the Sandringham Mews developments but considered that to be not enough to affect the Net Annual Value. He accepted that the lack of a back door was a drawback but considered that was offset by the layout of the Sycamore development being marginally better than the development at Sandringham Mews. On the three or four occasions of his visits to Sycamore Grove he had not discerned a litter problem nor did he find the sound-proofing was lacking.

DECISION

The Tribunal inspected No 10 Sycamore Grove internally and externally; also externally all the comparables and the surrounding areas.

The major problem for the Appellant was the assessment of No 4 Sandringham Mews @ £148 which was found to be in error and corrected to £160 sometime after 6th November 1987 when the Commissioner of Valuation issued his no change Certificate. Had the correction been made when Mrs Newman first pointed out the difference in valuations (by letter of 3rd June 1986 to the Commissioner) this appeal might not have taken place.

But Section 54(2) of the Rates (Northern Ireland) Order 1977 reads:- "on an appeal under this Article, the valuation shown in the valuation list with respect to a hereditament shall be deemed to be correct until the contrary is shown". In this case the assessment of £148 for No 4 Sandringham Mews has been shown to be incorrect and therefore the Tribunal cannot accept £148 as being correct and must disregard it. The new assessment of £160 has obviously been fixed with the assessment of the subject hereditament in mind and so the Tribunal finds No 4 Sandringham Mews assessment sufficiently doubtful as not to wholly rely on it. The Tribunal's inspection showed that No 4 Sandringham Mews is rather better situated and has rather better parking space. The external finish is also a little superior. All of which indicates there should be a small difference in Net Annual Value taking into account the minimum parking space provided.

The other comparables also indicate a small reduction. The Strathearn Mews houses are larger, better (and taken at a higher price per metre) but also there is ample parking space at that estate.

The amount of reduction is not easy to quantify. Compared with the original £148 for No 4 Sandringham Mews, Mrs Newman asks for £145 Net Annual Value but in the Tribunal's opinion by comparison with the remaining Commissioner's comparables that would be too low. The Tribunal prefers £152 which equates to a 5% reduction from the corrected Net Annual Value of £160 for No 4 Sandringham Mews. That assessment of £152 would analyse:-

House (agreed area) 73 square metres @ £1.95 per square metre =	£142.00
Partial central heating	<u>£ 10.00</u>
NET ANNUAL VALUE	<u>£152.00</u>

The Net Annual Value is reduced to £152.00.

The Commissioner of Valuation will pay measured costs of £40 to the Appellant, Mrs Newman.

ORDERS ACCORDINGLY

5th October 1988

**A L Jacobson FRICS
LANDS TRIBUNAL FOR NORTHERN IRELAND**

Appearances:-

The Appellant, Mrs Mary Newman by herself.

Mr Henry Daniel Smyth ARICS for the Respondent Commissioner of Valuation.