

LANDS TRIBUNAL FOR NORTHERN IRELAND
LANDS TRIBUNAL AND COMPENSATION ACT (NORTHERN IRELAND) 1964
IN THE MATTER OF AN APPEAL AGAINST VALUATION FOR RATING PURPOSES
VR/12/1976
BETWEEN
SUSAN JOHNSTON - APPELLANT
AND
THE COMMISSIONER OF VALUATION FOR NORTHERN IRELAND - RESPONDENT

Lands Tribunal for Northern Ireland - F Malcolm McKibbin MA(Cantab) FRICS

Larne - 29th July 1976

This was an appeal against the valuation for rating purposes (NAV) of a hereditament comprising a house and garden, no 58 Coastguard Road, Harbour Ward in the District of Larne, Co Antrim, Map no 56, VO no 75. The NAV was fixed at the Second General Revaluation in 1957 at £19.50. The ratepayer did not appeal at that time against this assessment.

In June 1971 an application for revision of valuation was made, claiming that the assessment was excessive. The Respondent, having reviewed the assessment, made no change in the NAV either on this application or on subsequent appeal against his decision. A further application for revision was made in January 1975 and once again resulted in no change. No appeal was made against the decision.

A further application for revision was made on 29th September 1975 which also resulted in no change, and on appeal the Respondent once again declined to alter the NAV. The Appellant, on 28th April 1976, appealed to the Lands Tribunal for a reduction in NAV to "a more realistic value". The grounds of this appeal were:- "that, compared with other houses in the terrace and other property in the vicinity, this house was over-valued at the outset. Because of port development the area is no longer residential".

The Appellant gave evidence in person and the Respondent was represented by Mr Ernest Walker ARICS, an officer of the Valuation Division of the Department of Finance.

The Appellant stated that she had bought the subject hereditament in 1962/63 at a time when it had been occupied by a tenant. She had gone into occupation in 1967/68. She had always considered that the NAV was too high in comparison with the adjoining hereditaments, nos 50, 52, 54 and 56 Coastguard Road, Larne, in the same terrace. She said that her house had been built after those other houses and was merely a "lean-to" against the gable wall of no 56. About 1967 the owner of no 60 Coastguard Road had replaced a post and wire fence, dividing the gardens of the subject and of no 60, with a wall which darkened the living room of the subject. She claimed that inferior materials had been used in the construction of the subject and in particular that sea sand had been used in plaster work resulting in "incurable dampness".

When she originally purchased the subject there had been an uninterrupted view across Larne Lough to Island Magee and to the Scottish Coast. Since then the NI Electricity Service had built Ballylumford Power Station. Apart from spoiling the outlook from the subject, this caused an outfall of soot from the tall chimneys at this Power Station, which was very unpleasant and damaged the paint work of the subject.

In recent years there had been considerable extensions at Larne Harbour which has been developed as a container port, with facilities for the Stranraer and Cairnryan ferries and large parking areas for the heavy lorry traffic using these routes. The consequent noise, dust and oil fumes together with the further spoiling of the outlook had adversely affected the value of the subject. A Larne "town dump", she said had been set up close to the subject and this was most offensive from every point of view.

Practically all the matters of which the Appellant complained affected equally all the hereditaments in the immediate vicinity of the subject. On inspection the Tribunal looked for signs of the inferior materials claimed by the Appellant to have been used in the construction of the subject hereditament but these were not apparent, nor indeed did the Appellant direct the Tribunal's attention to any such matters or to any instances of dampness. The Tribunal's view is that the hypothetical tenant would not have reduced his rental offer on account of these alleged defects.

The Appellant offered as comparables to support her claim for a reduction in NAV thirteen houses in the Larne area, all but one of which were at considerable distances from, and in quite dissimilar situations to, the subject. Twelve were old terrace houses, mostly without bathrooms or gardens looking across narrow streets at similar old terrace houses. None of these were of any assistance to the Tribunal in this case. The thirteenth comparable was

an old single storey detached cottage, quite close to the subject with a garden at the rere running down to Larne Lough and in front looking across to a small terrace of old unattractive houses. This cottage, known as Sea Cottage, was accepted as having no bathroom and no hot water system and was clearly very much older than the subject, and also the comparables relied on by the Respondent. Mr Walker stated that this house was in poor order and he considered it of little assistance as a comparable.

For the Respondent, Mr Walker accepted that since the Second General Revaluation the area in which the subject was situated had become more commercialised due to the expansion of Larne Harbour and the construction of Ballylumford Power Station. He did not consider that the rental values of houses in this locality had depreciated, since the proximity of the Power Station and Larne Harbour had greatly increased the demand for housing accommodation close to these places of employment where the nature of the undertakings required shift work at times not catered for by public transport.

Mr Walker relied on the evidence of rental values at August 1939 of the subject and of seven comparables. These rental values had been the basis of the assessment of the NAVs both of the subject and of the seven comparables, all of which were in general terms broadly similar to the subject and adjoining it in the same locality. None of the NAVs of the comparables had been disputed by the ratepayers and they supported the assessment of the subject. All were firmly based on actual rental values.

The Tribunal inspected the subject and the exterior of all the comparables mentioned at the hearing. The subject was built about 1930 of brick and slate and is on two floors. The accommodation comprised entrance hall, two reception rooms, and small working kitchen on ground floor, with 2 bedrooms, boxroom and bathroom on first floor. There was a small front garden and a larger walled garden at the rere. Although the locality has become more commercialised and is to some extent dominated by Larne Harbour and its work area and also by Ballylumford Power Station it still has considerable views both front and rere of Larne Lough, in areas which are yachting and sailing mooring centres. The only useful comparables offered were those of the Respondent, and they coupled with the rental evidence, fully supported the NAV assessed for the subject hereditament. The fact that none of the other occupiers of comparable hereditaments had disputed their assessments, even though they were affected equally with the Appellant by the change in character of the locality, supports Mr Walker's opinion that rental values have not been depreciated here.

The Appellant has failed to show that the NAV of the subject is incorrect and accordingly the Tribunal dismisses this Appeal.

No application was made for costs on behalf of the Respondent after this decision had been read. Accordingly the Tribunal makes no order for costs.

ORDERS ACCORDINGLY

12th August 1976

**F MALCOLM McKIBBIN
LANDS TRIBUNAL FOR NORTHERN IRELAND**