

**LANDS TRIBUNAL FOR NORTHERN IRELAND**  
**LANDS TRIBUNAL AND COMPENSATION ACT (NORTHERN IRELAND) 1964**  
**IN THE MATTER OF APPEALS AGAINST VALUATION FOR RATING PURPOSES**  
**VR/24/1982**  
**VR/25/1982**  
**MERVILLE RESIDENTS ASSOCIATION - APPELLANT**  
**AND**  
**THE COMMISSIONER OF VALUATION FOR NORTHERN IRELAND - RESPONDENT**

**Lands Tribunal for Northern Ireland - Mr A L Jacobson FRICS**

**Belfast - 6<sup>th</sup> June 1983**

These appeals concerned two houses, one terraced and one semi-detached at No 356 Merville Garden Village and No 140 Merville Garden Village respectively, both in Newtownabbey, County Antrim. The Tribunal ordered that the appeals should be heard together under General Rule 14 of the Lands Tribunal Rules (Northern Ireland) 1976. At the outset the Tribunal, following an application by Mr J A Whelan, gave leave for him to appear on behalf of the Appellant - there was no objection from the Respondent. The Tribunal was informed that the respective occupiers/ratepayers had each been informed of the appeal referring to each house but neither put in an appearance.

**Appearances:-**

Mr Joseph Anthony Whelan FRICS, for the Appellant.

Mr Robert Brian Sparkes ARICS (Senior Valuer), for the Respondent.

**No 140 Merville Garden Village**

This is a two storey, semi-detached dwelling built about 1950 of concrete block (rough-cast finish) with a slated roof. The accommodation is:- entrance hall with small cloakroom, living room, dining room, working kitchen, with 3 bedrooms, bathroom and separate WC on the first floor. Gross external area is agreed at 109 square metres. Assessed at £1.30 per square

metre = NAV £142.00. The comparables submitted by the Commissioner of Valuation and agreed by the Appellant concerned two other estates situated none too far away and were:-

No 1 Abbots Road      98 square metres @ £1.30 per square metre = NAV £127.00

No 27 Princes Crescent )

) 98 square metres @ £1.30 per square metre = NAV £127.00

No 12 Princes Crescent )

### **No 356 Merville Garden Village**

This is a two storey mid-terrace dwelling built about 1950 of concrete block (rough-cast finish) with a tiled roof. The accommodation is:- entrance hall, living room, dining room, working kitchen, with two bedrooms, boxroom, bathroom and a separate WC on the first floor. Gross external area is agreed at 102 square metres. Assessed at £1.30 per square metre = NAV £133.00.

The comparables submitted by the Commissioner of Valuation and agreed by the Appellant concerned the same two nearby estates as in No 356 Merville Garden Village and were:-

No 22 Abbots Drive      98 square metres @ £1.30 per square metre = NAV £127.00

No 7 Princes Park )

) 98 square metres @ £1.30 per square metre = NAV £127.00

No 8 Princes Park )

Mr Whelan's evidence concerned the change in the surrounding area since the Third General Revaluation in Northern Ireland in 1976. Adjacent to Merville Garden Village the Northern Ireland Housing Executive (formerly the Northern Ireland Housing Trust) erected the large Rathcoole Estate. Also the large shopping centre, known as the Abbey Centre has been erected. He considered that Merville Garden Village roads were used as a pedestrian short cut from Rathcoole to Abbey Centre and also to the Social Security Office to the west. He considered an allowance of some 5% (in each case) should be made to allow for the loss of privacy due to changed circumstances ie that Merville Garden Village should no longer be

considered superior to Abbots Cross Estate (Abbots Road, Abbots Drive etc) or to Fernagh Estate (Princes Park, Princes Crescent etc).

Mr Sparke's evidence drew comparison with the above assessments and made it clear that he did not consider that the Abbey Centre shopping complex affected adversely the houses in Merville Garden Village, and even if he were wrong the changed conditions were a matter for a Revaluation. In his opinion the comparables provided the correct basis and they supported the present assessments.

Both witnesses agreed that all houses in Merville Garden Village were assessed on the same basis.

The Tribunal inspected the two houses and the comparables in the Abbot Cross and Fernagh Estates.

## **DECISION**

The crux of the case was posed by the Appellant's expert witness that when in accordance with Schedule 12 Part 1 Paragraph 2 of the Rates (Northern Ireland) Order 1977 regard is to be had to comparable hereditaments in the same state and circumstances that this includes changes which affect the whole neighbourhood. But the whole tenor of the 1977 Order requires such changes to be taken into account at a General Revaluation rather than at a continuous revision procedure which may take place at any time through the rating year and as often as any ratepayer requests it. In any event on inspection the Tribunal found that the Abbey Centre did not have a deleterious effect on Merville Garden Village. This shopping centre is well screened by trees and on the two occasions the Tribunal visited the area there was no noise disturbances. As far as the short cut used by Rathcoole Estate residents the Tribunal saw neither bad nor noisy behaviour and there was little evidence of any concentrated use of the streets as a short cut.

Neither of the expert witnesses submitted other houses in Merville Garden Village as comparables although in reply to a question from the Tribunal both agreed that all the Village houses were assessed on the same basis. The "tone of the list" (as it is colloquially known) must include these houses.

The Respondent submitted an additional column with his comparables headed "Proposed Sale Price to Tenants" which purported to show the relative capital values for comparative purposes in accordance with Schedule 12 Part 1 Paragraph 3 of the Rates (Northern Ireland) Order 1977. The Tribunal found these of no use for they were basic figures fixed by the owning Housing Association's valuer in consultation with the staff of the Commissioner of Valuation. The sale price to a tenant will be subject to a discount depending on the length of time a tenant has occupied the house. In any event no houses have yet been sold.

On the basis of the comparables submitted the Tribunal finds:-

### **No 356 Merville Garden Village**

This house is 4 square metres larger than the comparables. All these houses have been taken at £1.30 per metre and no evidence was adduced to indicate that the price per metre for No 356 Merville Garden Village should be other than £1.30 other things being equal.

The Tribunal accepts that an NAV of £133.00 is fair and equitable having regard to the agreed comparables.

### **No 140 Merville Garden Village**

This house is 11 square metres larger than the comparables and is 7 square metres larger than the terraced house at No 356.

The price per metre has been taken at £1.30 per metre and the resultant NAV rounded up to £142.00. In two minor ways the Tribunal disagrees and prefers an assessment made up as follows:-

109 square metres at £1.29 per square metre = £140.61  
say £140.00

The Tribunal makes no order as to costs.

**ORDERS ACCORDINGLY**

**17<sup>th</sup> June 1983**

**Mr A L Jacobson FRICS  
Lands Tribunal for Northern Ireland**

**Appearances:-**

**Appellant - Mr Joseph Anthony Whelan FRICS, for the Appellant.**

**Respondent - Mr Robert Brian Sparkes ARICS (Senior Valuer), for the Respondent.**