

**LANDS TRIBUNAL FOR NORTHERN IRELAND**  
**LANDS TRIBUNAL AND COMPENSATION ACT (NORTHERN IRELAND) 1964**  
**IN THE MATTER OF APPEALS AGAINST VALUATION FOR RATING PURPOSES**  
**BETWEEN**  
**ALBERT JOHNSTON - APPELLANT**  
**AND**  
**THE COMMISSIONER OF VALUATION FOR NORTHERN IRELAND - RESPONDENT**  
**VR/59/1968**  
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**AND**  
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These Appeals concerned the valuations for rating purposes of three self-contained flats known as 4, 4a and 4b Clanbrassil Road, Marino, Co Down, as contained in the Annual Revision List 1968/1969 as revised on First Appeal.

The appellant appeared in person and the respondent was represented by Mr Robert Charles Link ARICS AAI, an officer of the Valuation Division of the Ministry of Finance, and by consent the Appeals were heard together.

The appellant, in 1965 or 1966, purchased the three-storey and basement terrace house at 3 Clanbrassil Terrace otherwise called 4 Clanbrassil Road. Using largely direct labour he converted this house into three flats.

The ground floor "flat", number 4, which also includes the basement, contains in the basement: a living-room, kitchen, cloakroom, box-room, bathroom and separate WC: and on the ground floor a lounge and bedroom, with entrance hall, porch and stairs leading to and from the basement. There is also a garage at the rear of the house. This flat is occupied by the appellant and was valued at £40 but on First Appeal the Commissioner reduced the valuation to £37.

The first floor flat, number 4a, has had one tenant since it was completed about July 1967. The accommodation is:- entrance hall, living-room, bedroom, kitchen and combined bathroom and WC. This flat is let furnished at a rent of £5 per week with the landlord repairing and

paying rates. The valuation was fixed at £20 and the Commissioner refused to alter this on First Appeal.

The second floor flat, number 4b, is at present let furnished at £5 5s per week with the landlord repairing and paying rates, but when completed in 1967 it was let at £6 6s per week. The accommodation comprises entrance hall, living-room, two bedrooms, kitchen, combined bathroom and WC. The valuation was fixed at £20 and on First Appeal was reduced to £18.

The appellant in evidence stated that his grounds of appeal were:- that the entrance drive from Clanbrassil Road was shared with the two other houses in Clanbrassil Terrace, and was frequently blocked by parked cars; that the flats being in the middle of a block of houses were adversely affected by the unrepaired state of the houses on either side, particularly in the basements which were damp and unoccupied; that the upper flats were approached by steep stairs which made them unattractive, and in particular that only young active people could contemplate living in the top flat; and that the cost of advertising - a necessary expenditure to obtain new tenants - was exceptionally heavy as was the cost of repairs for each flat.

The appellant considered that his flat was not as good as any of the comparables relied on by the respondent, but he agreed that the first floor flat was, at present, let furnished at £5 per week and that the second floor flat, which had been let furnished at £6 6s per week was now let at £5 5s per week. He considered that each of these flats was today worth a rent of £3 to £3 10s per week plus rates, as an unfurnished flat.

He contended that the valuation of the ground floor flat should be reduced from £37 to £20; the first floor flat from £20 to £15 and the second floor flat from £18 to £15. He did not produce any computation to show that the respondent's valuations were incorrect or to justify his proposals.

For the respondent, Mr Link agreed that the matters claimed as defects by the appellant were depreciating factors, but stated that these had been allowed for in the respondent's computations of valuations. He gave evidence of the valuations of a number of comparable flats in the Holywood area, all of which devalued at the same, or at a higher rate per square yard than the subject flats. The comparables in many cases had defects similar to those of the subject flats and he said that all these matters had been fully taken into account in assessing

the valuations of the subject flats. Mr Link submitted that no case had been made for the respondent to answer.

## **DECISION**

The Tribunal has inspected the subject flats and all the comparables mentioned at the hearing. The defects of which the appellant complains all exist. There is evidence of rising damp in the basement and a bedroom wall in the first floor has been blackened, presumably by defective spoutings. There is limited car parking space on the entrance drive. The principal defect in the upper flats appears to be the very steep and very narrow staircase. An emergency exit is available through the ground floor and basement flat occupied by the appellant. However, Mr Link stated that these matters were all taken into account in arriving at the valuations of the subject flats as no doubt also was the very fine open outlook directly across Belfast Lough. He submitted the computations grounding the valuations of the subject flats and of all the comparables. These showed that the basement of the appellant's premises was valued at 3s 6d per square yard, the ground floor at 5s 3d per square yard, the first floor flat at 5s 4d per square yard and the second floor flat at 4s 10d per square yard. The comparables showed basement rates at 3s 6d and 5s 6d per square yard; ground floor rates at 5s 6d to 10s per square yard; first floor rates at 6s 1d to 8s 7d per square yard; and second floor rates at 5s 1d to 7s 4d per square yard. These figures clearly confirm that some adjustments have been made by the respondent to allow for the differences between the subject flats and the comparables. The appellant did not produce any evidence to suggest that the valuations of either the subject hereditaments or of any of the comparables was incorrect, and indeed the Tribunal notes that the rates per square yard applied to the subject hereditaments are below most, if not all, of the corresponding rates in the case of the comparables. This is understandable as the difference in rates appears to reflect the difference in the relative attractions of the individual properties.

Under section 23 of the 1852 Act the valuations shown in the list are prima facie deemed to be correct until the contrary is shown. The appellant has failed to produce any evidence to show that the valuations of the three subject flats are incorrect and so the Tribunal must dismiss these Appeals.

The appellant will pay to the respondent the measured sum of one guinea in each Appeal making three guineas in all, towards the cost of these Appeals.

**ORDERS ACCORDINGLY**

**F MALCOLM McKIBBIN**

**5<sup>th</sup> December 1968**

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