

**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/77/1965**  
**BETWEEN**  
**JOSEPH P ROBINSON - APPELLANT**  
**AND**  
**THE COMMISSIONER OF VALUATION FOR NORTHERN IRELAND - RESPONDENT**

This is an appeal by Joseph P Robinson against the valuation for rating purposes of his house, 8 Gortmore Drive, Omagh, County Tyrone. The valuation is £32.

At the second general revaluation in 1956, the valuation was assessed at £36. A reduction of £4 was made on first appeal in the valuations of both this house and of each of the several other houses then in Gortmore Drive because at that time Gortmore Drive was a private road in a very bad state of repair and the houses there did not enjoy the amenities of street lighting or public drainage.

Gortmore Drive is now a public street and has been made up to a good standard. There is street lighting but drainage is still direct into the River Strule, though main drainage will soon be available.

The appeal house is a semi-detached villa of about 1050 square feet interior floor area and the accommodation comprises entrance porch, entrance hall, two reception rooms, cloak recess, working kitchen, three bedrooms, bathroom and separate WC. There is an enclosed yard at the rere with a garage now used partly as a fuel store and partly for general storage of household and garden equipment. Since the second general revaluation a carport has been added, the appellant stating that the garage had not been usable on account of its positioning in relation to the rather narrow side driveway, and also because of the use of the back of the garage as a coal store.

The house is situated on a corner site and looks from an elevated position across the river Strule towards open country.

The grounds of appeal are "that the privacy previously enjoyed is now completely destroyed by the appeal house now being overlooked by a recently constructed two-storied detached

villa for which the five main front windows overlook the windows in the gable of the appeal house".

I inspected the appeal house and find that from the front windows of the appeal house it is very difficult to see the new house complained of. This newly constructed house is set at an angle of almost 30 degrees to the appeal house and it is agreed that it is 77 feet away from the gable of the appeal house with the full width of Gortmore Drive intervening. The windows, which appellant claims overlooked, are a hall window, small kitchen window, small window in the cloak recess and the larger landing window. None of these are main windows and in any case the distance between the houses and the oblique view of these windows from the windows of the new house, minimise any disturbance of privacy. The new house is in fact sited to look eastwards across the river Strule and enjoys a similar open outlook to the appeal house.

The appellant quoted an English Rating case - Middleton v Lowe (Valuation Officer) (LVC/385/1964) in which Mr H P Hobbs of the English Lands Tribunal reduced the assessment of a house in Warrington because a large living room window and two bedroom windows were overlooked by a landing window of a council house at a distance of 44 feet. Mr Hobbs stressed that this was a particular case and I do not think it is necessary to say more than that each appeal has to be considered on its own merits and the amount, if any, of the reduction in rental value by reason of any such complaint assessed.

Mr J J Bunn ARICS, an officer of the Valuation Division of the Ministry of Finance, gave evidence on behalf of the respondent, and stated that the disabilities of the bad state of repair of Gortmore Drive and the lack of street lighting which had been the reason for the reduction in 1956 of £4 in the valuation of the appeal house, had now disappeared. He further stated that the addition of the carport since the second general revaluation was a further reason for increasing the valuation but in spite of these two factors, the Commissioner of Valuation had decided not to increase the valuation of the appeal house so as to preserve the relativity of the valuations of the houses in Gortmore Drive.

On these facts and after inspecting the appeal house and its position in relation to other houses, I have no hesitation in coming to the conclusion that there is no diminution of rental value in this case, as alleged.

Indeed, it is clear to me that the appellant has been generously treated, apart from the fact that there is no weight in his grounds of appeal that would in other circumstances justify any reduction in the valuation.

This appeal is therefore dismissed and I award the respondent a measured sum of two guineas costs against the appellant.

**ORDERS ACCORDINGLY**

**F MALCOLM McKIBBIN**

**23<sup>rd</sup> November 1965**

**LANDS TRIBUNAL FOR NORTHERN IRELAND**

**Appearances:-**

**Appellant: In person.**

**Respondent: Mr J J Bunn ARICS, Officer of the Valuation Division of the Ministry of Finance.**