

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/99/1980
BETWEEN
FRANK WALLACE - APPELLANT
AND
THE COMMISSIONER OF VALUATION FOR NORTHERN IRELAND - RESPONDENT

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

Cookstown - 16th July 1981

This was an appeal against the valuation for rating purposes of a dwelling-house at No 9 Lurganeden Road, Shanmaghry, Pomeroy, Co Tyrone. This dwelling, a detached bungalow, was situated on a small agricultural holding of about twenty-nine acres in a remote hilly area eight miles north-west of Dungannon and three miles from the village of Pomeroy. The dwelling was approached by a short unsurfaced drive from the unclassified Lurganeden Road, a narrow winding and hilly road about one mile from the main Dungannon to Pomeroy road.

The dwelling had been a modern bungalow of about 830 square feet built in 1963. Recently this was extended to provide a bungalow of about 1,300 square feet.

The NAV of the subject dwelling had been £105, but as a result of the extensions this was re-assessed in June 1980 at £145. On first appeal to the Respondent no change was made and the Appellant appealed to the Lands Tribunal on 11th November 1980.

At this appeal, the Appellant appeared in person and the Respondent was represented by Mr J A Ervine BSc ARICS, an officer of the Valuation Division of the Department of Finance.

The Appellant considered that the NAV of £145 was too high for a small private dwelling such as his and asked that the assessment should be reduced by £45. He listed the shortcomings of his dwelling-house as being the accommodation, with a small hall, four very small bedrooms, no central heating, no public refuse collection, no shops within three

miles and the nearest secondary schools being some ten miles distant. In wintry, snowy and frosty weather the school bus did not collect his children. He agreed with the measurements submitted by Mr Ervine and his description of the premises but stated that Mr Ervine was incorrect in stating that mains water supply was connected. His water supply was from a well and though mains water was close by, it had not been connected. Mr Ervine understood that the Appellant had told him that this mains supply was connected, but accepted the Appellant's evidence.

The accommodation of the subject hereditament was agreed to be:- reception room, large working kitchen with dining area, four bedrooms, bathroom with washhand basin and WC, and utility room. Mains electricity was connected and drainage was to a septic tank. There was no central heating, but the subject was agreed to conform to modern standards with concrete block cavity walls and tiled roof. The exterior was attractively finished with roughcast and the house stood on a slightly elevated position with a good outlook and was convenient to, but some distance from, a number of agricultural buildings.

Mr Ervine accepted the Appellant's comments on the disadvantages of the dwelling both as to internal planning and situation, but stated that all of these had been taken into account in the assessed valuation. This was arrived at as follows:-

House - 124m ² at £1.37 per m ²	
less 10% as farmhouse	£170
[Rates (Northern Ireland) Order 1977 Schedule 12, Part II]	
less 5% for inferior design	<u>£ 25</u>
NAV	<u>£145</u>

Mr Ervine quoted three comparisons, which were also recently built bungalows of similar type and construction, situated near the subject and sharing similar disabilities of location. All of these were assessed at £1.37 per m² of house area, but in the case of the nearest comparable, No 6 Lurganeden Road only about 200 metres from the subject, a deduction of 5% had been made because it had not a mains water supply.

The Tribunal having inspected the subject and viewed the exterior of the comparisons, agrees with Mr Ervine on all matters except for the question of the mains water supply. Schedule 12, Part 1, Paragraph 1, of the Rates (Northern Ireland) Order 1977 requires the hereditament to be valued in its actual state. Mains water was not and is not connected,

and therefore it is necessary, both in the interests of the maintenance of the tone of the list as well as of complying with this paragraph of the Rates Order to make an additional deduction of 5% of the assessment of the subject which will reduce the NAV to £136.

To this extent the Tribunal allows this appeal and directs the entry in the Valuation List to be altered to £136.

The Respondent will pay the measured sum of £10 towards the Appellant's costs of this appeal.

ORDERS ACCORDINGLY

24th July 1981

F Malcolm McKibbin

LANDS TRIBUNAL FOR NORTHERN IRELAND

Appearances:-

Appellant - In person.

Respondent - Mr J A Ervine BSc ARICS.