

NORTHERN IRELAND VALUATION TRIBUNAL
THE RATES (NORTHERN IRELAND) ORDER 1997 (AS AMENDED) AND
THE VALUATION TRIBUNAL RULES (NORTHERN IRELAND) 2007

CASE REFERENCE: 23/14

MR BRIAN FITZSIMONS

Appellant

-against-

COMMISSIONER FOR VALUATION FOR NORTHERN IRELAND

Respondent

Northern Ireland Valuation Tribunal Date of Hearing: 24th February 2015

Chairman: FJ Farrelly Esq. LLM

Members: H.McCormick Esq. , BSc.MRICS and D.Rose Esq. BA

Decision

The unanimous decision of the Tribunal is that the appeal is dismissed.

Introduction

1. The appeal was heard on the papers.
2. The property is 78 Drumconwell Road, Milford, Armagh, BT60 2LT.
3. The appellant has appealed the decision of the Commission for Valuation for Northern Ireland (The Commissioner) dated the 3rd September 2014 in respect of his property. The capital value has been put at £190,000.00.
4. The Tribunal considered the Notice of Appeal and the respondent's Presentation of Evidence and accompanying documents. It is for the appellant to show on the balance of probabilities that the valuation is incorrect.

The Relevant Law

5. The statutory provisions are set out in the Rates (NI) Order 1977 as amended by the Rates (Amendment) (Northern Ireland) Order 2006. It deals with the rateable value of domestic properties, referred to as 'hereditaments'. Article 2 (2) of the 1977 Order defines a hereditament as follows:

"hereditament means property which is or may become liable to a rate, being a unit of such property which is, or would fall to be, shown as a separate item in a valuation list".
6. Schedule 12 of the 1977 Order provides the capital value of a hereditament shall be the amount, which, on the assumptions mentioned in Paragraphs 9-15, it might reasonably have been expected to make if sold on the open market by a willing seller on the relevant capital valuation date. The assumptions include the property being sold with vacant possession and free from any incumbence. It is also assumed it is in an average state of internal repair and fit out for the locality. Development value other than permitted development is disregarded.
7. In estimating the capital value of a hereditament for the purpose of the valuation list regard is to be had to the capital values in the list of comparable hereditaments. The comparators should be in the same state and circumstances as the hereditament whose capital value is being revised. Paragraph 12(1) deals with the statutory assumption as to condition, namely:

"the hereditament is in an average state of internal repair and fit out, having regard to the age and character of the hereditament and its locality".

History

8. The subject property is a newly constructed bungalow built on grounds attached to the appellant's original two-storey home. He indicated he and his wife had decided to downsize and the submission indicates his daughter now lives in what was the family home. In his notice of appeal He states that the original property was a two-storey house of 2800 ft.² and for which the rateable valuation was £132,000. Both properties share a common driveway. The appellant feels aggrieved that the new property now has a higher valuation than the older, larger property. The respondent comments that their records show the original house was built pre-1920 and has a gross external area of 246 m². Whereas the new bungalow is 180 m² as well as a 72 m² garage.
9. The respondent states that the two properties cannot be compared because they are of a different type; cannot be considered to be in the same state and circumstances in terms of age, facilities and construction. It is also pointed out that that property benefited from an agricultural allowance and without this would be assessed at £165,000.

10. The respondent has provided four other properties which it felt to be compatible. Three of these are detached bungalows built post-1990 in rural locations in County Armagh.
11. The first example used is 27 Tullycardy Road, Corran, County Armagh. It has a gross external area of 180 m² and has a garage 32 m². It has been valued at £190,000. This property is identical in size and the appellant has a larger garage.
12. The next property used is 141 Keady Road, Ballyards, Keady. Again, it is post-1990 and has a slightly larger external area at 181 m² with a small garage at 34 m². It also has a capital value of £190,000.
13. Another property is 43 Magheraville Rd, Milford, County Armagh. It also is post-1990 and has an external area of 174 m², being smaller than the appellant's property and has a garage at 46 m². It too has been valued at £190,000.
14. Another property is 8 Drumgreenagh Rd, Maddan. It is different in that it is a two-storey property with a gross external area of 183 m² but with no garage. It is valued at £175,000.
15. One distinguishing feature is that access to the subject property is over a shared laneway with the original house. The respondent states that this is only a short laneway at 180 metres and that is not unusual for houses in the country to have shared access. The driveway is in good repair and attractively landscaped. The respondent did not see this as a basis for reducing the valuation. It is not apparent if any of the comparators have a shared entrance

Conclusions

16. The property is clearly a hereditament liable to a rate within the definition. The issue is whether the capital valuation is correct. In order to assess the property value the respondent had regard to other properties in the area, felt to be fair comparators.
17. Whilst the layout and location of the comparators are different the general presentation and size of the bungalows are similar. All have a similar valuation. We do not see the short laneway as detracting in any meaningful way from its value. The property is visually pleasant and set in attractive surroundings. Valuation is not an exact science but is based on comparable evidence. The only true measure of value is when a property is sold. Short of this, comparators are used as a guide. We are also now dealing with historical values, namely, January 2005 when the valuation system changed. On the evidence presented we find the

comparators provided are appropriate comparators. Using these as a guide we find that the figure placed upon the appellant's property is reasonable.

Francis J Farrelly Chair
Northern Ireland Valuation Tribunal