

Northern Ireland Valuation Tribunal Case Ref: 1/13

Trevor Huddleston - Appellant

Commissioner of Valuation for Northern Ireland – Respondent

Chairperson – Mr Michael Flanigan

Members-William Moore and Peter Somerville

Address: 12 Dinnahorra Road, Markethill Co Armagh BT60 1TR

Hearing:- 10-06-14

The subject property ("the property") is a large detached two storey house situate at 12 Dinnahorra Road Markethill, County Armagh with a gross external area of 421M2.

The appellant and respondent attended and gave evidence and the tribunal is grateful to them for their attendance and submissions.

The Law:-

The statutory provisions are to be found in the Rates (NI) Order 1977 and as amended by the Rates (Amendment) (NI) Order 2006. It is not proposed to set out the legislative provisions here in full and all relevant statutory provisions and principles are fully considered by the tribunal in arriving at its decision in this case.

Submissions

The submissions of the appellant were that the property was poorly served by public services and was situate in the end of poorly maintained public road. One section of the road passes over a drainage stream which regularly floods in winter. In the appellants Notice of Appeal, he referred to the road flooding between nine and ten times over the winter of 2012/ 2013. The appellants evidence to the tribunal was that during the last winter that the road had flooded approximately 20 times. When the surrounding land floods, the road to the appellant's house is impassable. In addition the road to the property is so narrow that the council lorries cannot turn on it and accordingly the

appellant is required to leave his bins for collection at the end of Dinnahorra Road approximately 1km from the property.

The respondent's Presentation of Evidence was that the property had been difficult to value being a significantly larger house than any other house in the immediate vicinity with a degree of architectural quality. In order to obtain comparable properties the respondents had attempted to find properties of similar size and of relatively recent construction. In the Presentation of Evidence the respondent stated that the initial valuation of £390,000 had been reduced to £350,000 due to survey error and reassessment. The evidence to the tribunal was that the resurvey had resulted in a corrected valuation of £370,000 to which had then been applied an allowance of 5% for the condition of the road resulting in a capital valuation of £350,000 which was the subject of the appeal. The respondent did not appear to give any allowance for the flooding on the road on the basis that houses in rural locations "will have similar levels of disamenity in terms of the quality of roads, likelihood of surface water/flooding etc".

Decision

The tribunal was satisfied on the basis of the comparable evidence submitted that the capital valuation of £370,000 was correct. The further issue to be decided was what allowance should be given for other external features and circumstances. The tribunal took the view that the flooding and access difficulties of this property were significant and could not be dismissed as a level of disamenity common to similar rural areas. In line with other cases before the Northern Ireland Valuation Tribunal, the tribunal decided that the capital valuation should be subject to an allowance of 10% which was then rounded up to £335,000. The appeal was granted and the entry for this property in the valuation list is amended to £335,000.

Signed: Michael Flanigan

Chairperson, Northern Ireland Valuation Tribunal