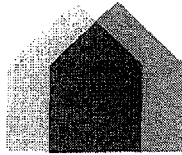


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Residential
Property
TRIBUNAL SERVICE

RESIDENTIAL PROPERTY TRIBUNAL SERVICE

**LEASEHOLD VALUATION TRIBUNAL for the
LONDON RENT ASSESSMENT PANEL**

LEASEHOLD REFORM ACT 1967 section 9(1A) ("the Act")

LON/OOAE/OAF/2008/0050

Property: 24 Hiley Road, London, NW10 5PS

Applicants: Mr and Mrs B C Sworn

Respondents: London Borough of Brent

**Representation: For the Applicant;
Mr B C Sworn FRICS**

**For the Respondent;
Mr T W Firrell FRICS MEWI MAE**

Date of Determination 21st October 2008

**Tribunal Members: Mr AA Dutton Chair
Mr B Collins FRICS**

Date of Decision

21st October 2008

Reasons / Decision

BACKGROUND

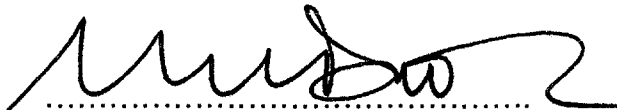
1. This application for the determination of the price payable for the subject property pursuant to section 9 (1A) of the Act came before us for consideration on 21st October 2008.
2. The following matters had been agreed:
 - a. The Value of the house and land was agreed at £455,000
 - b. The modern ground rent had been agreed at 7%
 - c. The term rate was agreed at 7%
 - d. The deferment rate was agreed at 4.75%
3. The only issue which remained to be determined was the site value proportion. Mr Sworn on behalf of the Applicant freeholder sought 35% and Mr Firrell, on behalf of the Council argued for a percentage figure of 32.6%.
4. At the hearing of the matter we had before us reports prepared by Mr Sworn dated 16th October 2008 and a report from Mr Firrell dated 20th October 2008.

EVIDENCE

5. Mr Sworn confirmed his report which listed a number of Leasehold Valuation Tribunal cases. He either attached the valuation or a full copy of the decision. These cases showed percentages attributable to the site value ranging from 33.33% to 40%.
6. Mr Firrell in his report, which likewise he confirmed, moved from his original assessment at 30% to an amended percentage, after further review, of 32.6%. He concluded that a lower figure than that suggested by Mr Sworn was appropriate in that the site was fully developed with a small rear garden.
7. As result of these differences Mr Sworn argued for a price payable for the freehold of £198,544.06 as set out in the valuation appended to his report. Mr Firrell's assessment of the enfranchisement price was £188,181.

DECISION

8. There really was very little between the parties. The assessment of the appropriate percentage to apply to the site value is an art rather than a science. We are not, of course, bound by previous decisions of the tribunal. In our view it is reasonable to adjust the percentage downwards if the site is largely occupied by the house, as is the case here. The decisions used to support Mr Sworn's figures were in at least two of the four reported cases referred to the tribunal by the Court, the landlord being missing and where the evidence was not challenged, save by the tribunal.
9. Taking these matters into account we have concluded that Mr Sworn's assessment at 35% was just on the high side. Mr Firrell had been quite specific in his assessment at 32.6%. Doing the best we can on the evidence before us we have concluded that Mr Firrell's assessment should be uplifted by 1% which in turn gives a final price payable for the freehold, having been rounded up slightly of £192,500, as is set on the attached schedule.
10. We hope that the parties will be able to agree the costs issue but if they have not done so within 28 days the matters must be referred back to the tribunal. In the absence of such referral the matter shall be deemed to have been concluded and all terms settled bringing the tribunal's jurisdiction to a close.



Andrew Dutton Chair

21. + Oct 2008

Date

Valuation

Leasehold Reform Act 1967 section 9(1A)

24 Hiley Road, London NW10 5PS

Matters Agreed

1. Value of house and land	£455,000
2. Modern Ground Rent	7%
3. Term Rate	7%
4. Deferment Rate	4.75%
5. Unexpired Term	50 years

Matter determined by Tribunal

Proportion of site value	33.6%
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Ground Rent Capitalisation

Term :

Modern ground rent	£10,701.60	
Years Purchase 50 years @ 7%	13.8007	£147,689.57

Reversion :

Freehold VP Value	£455,000	
PV of £1 deferred 50 years @ 7%	.0982	£ 44,681.00

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£192,370.57

Premium (Say) £192,500