

THE VALUATION TRIBUNAL FOR ENGLAND



Non domestic rating appeal; Offices and Premises; Tone; Comparables; Appeal allowed.

Re: 1st & 2nd Flrs, 45 Green Lanes, London N13 4TN
APPEAL NUMBER: 530018579781/053N10

BETWEEN: Earle & Waller Appellant
and
Mr M Dunlevey (Valuation Officer) Respondent

PANEL: Mr G Ceaser (Chairman), Mr P Ashton

SITTING AT: Tribunal Offices, Black Lion House, 45 Whitechapel Road, London E1 1DU

ON: Wednesday, 14 May 2014

APPEARANCES: Mr H Makhdumi (Evans & Payne - Representing the Appellant)

Summary of Decision

- 1 The appeal was allowed and the assessment was determined at rateable value £10,500 with effect from 4 January 2011.

Introduction

- 2 This is not intended to be an exhaustive record of the proceedings, but the parties can be assured that all of the evidence presented was fully considered by the panel when coming to its decision. Consequently, the absence of a reference to any statement, or evidence, should not be construed as it having been overlooked.
- 3 The appeal had originally been scheduled to be heard on the morning of the tribunal but, due to an earlier appeal taking longer than anticipated to be heard, the case was finally heard after the panel resumed following a lunch break. The respondent Valuation Officer was not in attendance and the panel, upon being satisfied that he had been notified of the hearing, determined that the hearing should proceed in his absence in accordance with Regulation 32 of the Valuation Tribunal for England (Council Tax and Rating Appeals) (Procedure) Regulations 2009 (SI2013 No. 2269).

- 4 The appeal arose from a proposal submitted by the appellant's representative on 15 July 2011, seeking a reduction in the assessment of £13,750 on the basis that the rateable value is in excess of what the property would have let for having regard to the nature of the property, including its size and the area in which it is situated as at 1 April 2010 and to rental levels as at 1 April 2008.
- 5 The subject property is part of a mixed use building with retail on the ground floor and offices, converted from residential, on the upper floors. The appeal hereditament comprises offices located on the first and second floors and is on the corner of Green Lanes and Belsize Avenue, to the south of the North Circular Road with access from a separate access from the side on Belsize Avenue.

Issues

- 6 The issue in dispute was the appropriate level of value to be applied to the appeal property.

Evidence and Submissions

- 7 In his submission to the panel, Mr Makhdumi, with the aid of photographs and location plans, described the appeal property and its location. He contended that the Valuation Officer had compared the subject offices to offices to the north of the North Circular Road and he explained that the area to the south is known as Wood Green and to the north as Palmers Green. He also contended that the border of Enfield and Haringey London Boroughs ran across the locality and this had resulted in valuation anomalies with the VO making distinctions in value based on 'political', or postcode boundaries rather than physical factors.
- 8 He argued that there were few offices to the south of the North Circular Road in this area and it was not known as an office location. To the north, however, it was a much more affluent, well established office area and is typically occupied by accountants, solicitors and financial advisors.
- 9 He contended that the rateable value should be reduced to £10,500 based on a rate of £130 pm² with a deduction of 5% to reflect the lack of heating. To support his proposed valuation, he referred the panel to his comparables at 5-11 Green Lanes, 2 Green Lanes, 453 High Road and 320 High Road. The first comparable was less than 100 yards and only a 1 minute walk from the appeal property and was assessed on the basis of £130 pm² but, it was argued to be of better quality. His second comparable was situated opposite his first and was, on the photographic evidence submitted, of poorer quality. However, because it was within Enfield, it was assessed at £160 pm² and, it was argued, provided an example of how the VO had not had regard to the actual location. Finally he referred to two other converted residential properties approximately 0.2 miles from the subject property which were assessed on the basis of £120 pm².
- 10 In addition, the appellant ran through the comparables submitted by the Valuation Officer in his Statement of Case. By reference to location plans and photographs, he submitted that they were in a different, more valuable location. He acknowledged that they were similar residential conversions but they did benefit from off-street parking. These were all assessed on the basis of £160 pm² and, having regard to the fact that they were in a better location, he contended that they did not provide such good evidence as his 'local' comparables. He thus argued that the existing assessment of the subject property which was based on a rate of £160 pm² was excessive.

Decision and Reasons

- 11 The panel determined that the appeal should be allowed and the assessment was determined at £10,500 rateable value.
- 12 The appellant's submission had incorporated an analysis of his own comparables which, he argued, demonstrated that a rate of £130 pm² was fair and reasonable, and also a consideration of the Valuation Officer's evidence.
- 13 The panel found that the appellant's comparables provided better evidence and in particular found 5 – 11 Green Lanes to be of assistance. The property which was on the next parade down from 45 Green Lanes was built in 1968 and so was more recent than the subject property and provided purpose built offices which had been refurbished. These had been on the market at a quoted rent of £42,000 and had let on 1 May 2007. The quoted rent devalued to £129.16 pm² and the Valuation Officer had assessed the offices at £130 pm². The panel found this to be a good comparable and similarly, the properties at 453 and 320 High Road, which were assessed on the basis of £120 pm², were indicative of the levels of value in the area. The panel noted that the offices at 2 Green Lanes were assessed on the basis of £160 pm² but, from the evidence submitted, there was nothing to indicate why this was the case, as they were apparently inferior to the purpose built property directly opposite.
- 14 The panel attached greatest weight to this evidence and found this evidence supported the proposed rate adopted by the appellant's representative. These comparables were all to the south of the North Circular Road and, from the evidence submitted, the panel found this to be an inferior office location, with relatively few residential offices scattered around, primarily off the main road. The area to the north was found to be superior and a better office location. The Valuation Officer's comparables did not, it was found, provide a like for like comparison in this respect and were all located some distance from the subject property.
- 15 Having regard to the photographic evidence showing an electric portable heater, the panel accepted the submission of the appellant's representative that the property did not have central heating. Thus in accordance with the valuation scale reference VXOMNOLIFTB1 the panel accepted the 5% reduction made to the main space price.
- 16 Accordingly the panel found the valuation put forward by the appellant to be supported and confirmed the assessment at rateable value £10,500.

Order:

- 17 Under the provisions of Regulation 38(4) of The Valuation Tribunal for England (Council Tax and Rating Appeals) (Procedure) Regulations 2009, the Valuation Tribunal for England orders the Valuation Officer to amend the rating list entry of the appeal property to rateable value £10,500 with effect from 4 January 2011.
- 18 Under Regulation 38(9), the Valuation Officer must comply with this order within two weeks of the date of its making.

Date: 4 June 2014

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