

**LEASEHOLD VALUATION TRIBUNAL
OF THE
MIDLAND RENT ASSESSMENT PANEL**

Ref: BIR/00CR/OAF/2005/0060

*DECISION OF THE LEASEHOLD VALUATION TRIBUNAL
ON AN APPLICATION UNDER SECTION 21 OF THE LEASEHOLD REFORM ACT 1967*

Applicants: Mr. & Mrs. R.W. Chancellor (leaseholders)

Respondent: Unknown (freeholder)

Subject property: 8 Wansbeck Walk
Woodsetton
Dudley
DY3 1DD

Tenants' notice: 16 December 2004 (date of court application)

Application to the LVT: 21 February 2005

Hearing: 4 May 2005

Appearances:

For the applicants: Mr EJ Rutledge FRICS

For the respondent: The respondent is unknown

Members of the LVT: Mr. A. P. Bell MA LLB
Mr. S Berg FRICS FSVA
Mrs.N.Jukes

Date of determination: 15 JUN 2005

Introduction

1. This is a decision on an application under the Leasehold Reform Act 1967 ("the 1967 Act") made to the Leasehold Valuation Tribunal by Mr & Mrs RW Chancellor, the leaseholders of the house and premises at 8 Wansbeck Walk Woodsetton Dudley DY3 1DD ("the subject property"). The application is under section 21(1)(a) of the 1967 Act for the determination of the price payable under section 9 of the 1967 Act for the freehold interest in the subject property.
2. The subject property is held under a Lease dated 16 September 1935 for a term of 380 years from 26 April 1712 at a peppercorn rent. The unexpired term at the effective date of the tenants' claim to acquire the freehold ("the relevant date") was 87 years.
3. The effective date of the tenants' claim to acquire the freehold interest in the subject property under the terms of the 1967 Act was 16 December 2004 being the date of the application to the Dudley County Court, and the applicants, Mr & Mrs RW Chancellor, subsequently made the present application on 21 February 2005.
4. The Tribunal accepts that the qualifying conditions for enfranchisement under the 1967 Act are satisfied.

Subject property

5. The property comprises a detached house built in about 1988 on an average sized plot surrounded by similar houses as the subject property. The house is a two storey brick construction with a pitched tiled roof.
6. The accommodation comprises a hall, wc, living room, dining room and rear kitchen breakfast room and rear conservatory on the ground floor and three bedrooms and a bathroom wc on the first floor. There is a single integral garage.

Inspection and hearing

7. The Tribunal inspected the subject property on 4 May 2005 in the presence of Mr & Mrs Chancellor, the applicants.
8. The subsequent hearing was attended by Mr. EJ Rutledge (representing the applicants). The respondent is unknown as is evidenced by an Order of the Dudley County Court dated 27 January 2005.

Representations of the parties

9. Mr. Rutledge's valuation in accordance with section 9(1) of the 1967 Act was as follows:
- | | |
|---------------------------|-------------|
| Reversion to Market value | £180,000.00 |
|---------------------------|-------------|

Site value at 35%	£ 63,000.00	
Modern Ground Rent @ 7%	£ 4,410.00 per annum	
YP in partly deferred 87 years @ 7%	0.03967	£175.00

Mr. Rutledge referred the Committee to five comparable properties all within a one mile radius of the subject property ranging from a two bedroomed semi-detached sold for £114,500 and a three bedroomed house on the market with an asking price of £199,995.

Decision

10. The Tribunal agrees with Mr Rutledge that the standing house value of the subject property at the relevant date was £180,000, and also that the appropriate percentage to be applied to the standing house value in calculating the value of the site should be 35% and that the percentage yield rate to be applied in the valuation calculation should be 7%. Accordingly the Tribunal determines the price payable by the applicants under section 9 of the 1967 Act for the freehold interest in the subject property at £175.00 in accordance with the valuation made by Mr Rutledge set out in paragraph 9 above.

AP. Bell

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A P Bell
Chairman
Dated

2005