

RESIDENTIAL PROPERTY TRIBUNAL SERVICE

EASTERN RENT ASSESSMENT PANEL

STATEMENT OF REASONS FOR THE DECISION OF THE COMMITTEE WHICH MET ON 21ST July 2004 TO DETERMINE A MARKET RENT IN RESPECT OF 5 POTTERS WAY, PETERBOROUGH PE1 5AY

Landlord	: Regis Group Holdings Ltd
Tenant	: R. J. Grannell
Rent Proposed by Landlord	: £500 per month
Rent Determined by Committee	: £340 per month

MEMBERS OF THE COMMITTEE

D.S.Brown FRICS MCI Arb (Chairman)
G.J.Dinwiddy FRICS
Mrs. I. Butcher

THE PREMISES

1. The Committee inspected the property in the presence of the Tenant. The Landlord was not present.
2. The property is a two storey semi-detached house. The Tenant thought that it dates from the 1930's although the Committee considered that it might be a little later. External walls are brick beneath a hipped tiled roof. The outbuildings are brick built with flat felted roof.
3. The house is situated at the end of a long, unmade-up private roadway, which runs past sewage treatment works and also gives access to a large area of open land beyond the houses. It faces The Parkway, a busy dual carriageway raised on an embankment close by. It is reasonably close to the city centre, (about ten minutes' walk), where there are excellent shopping and travelling facilities and other amenities.
4. **Accommodation**

Ground Floor

Entrance Hall; Lounge, Dining Room, small Kitchen, Pantry cupboard under stairs.

First Floor

2 Double Bedrooms, Single Bedroom, Bathroom

Outside

Covered side passageway giving access to 2 Stores and WC.

There is a small front garden and a good sized rear garden, beyond which is a block of sectional concrete and asbestos Garages, one of which is included in this tenancy.

Central Heating and Services

Mains water, drainage, gas and electricity are connected. Gas fired central heating is installed and there is upvc double glazing.

THE TENANCY

5. The tenancy began on 1st March 1993 as an assured shorthold tenancy for twelve months. It is now, therefore, a statutory periodic tenancy.
6. No furniture, white goods, carpets or curtains are included in the letting.

THE APPEAL

7. On 23rd April 2004 the Landlord's agent served notice on the Tenant under section 13(2) of the Housing Act 1988 to increase the rent from £200 per month to £500 per month with effect from 1st June 2004. The Tenant referred this notice to the Rent Assessment Committee on 10th May 2004.

THE LANDLORDS' CASE

8. The landlord submitted no representations or rental evidence. .

THE TENANT'S CASE

9. The Tenant made written representations, upon which he enlarged at the hearing. He made the following points:-
10. He referred to an inspection which had been made of the electrical installation in the house in March 2001 by an NICEIC Approved Contractor. He had provided a copy of the report to the Committee. The electrician reported a number of faults with the installation including:- distribution needs upgrading, some live terminals exposed, parts of fittings missing, earthing requires upgrading, faulty hall light switch, incorrect fuse carriers, broken sockets and lack of pipe cross bonding. His overall assessment was "Unsatisfactory" and he recommended that the property be rewired. At the hearing Mr. Grannell particularly referred to the broken Landing socket which is loose, the hall light switch which does not work and the lack of RCD protection.

11. He referred to past flooding due to the taps on the pipes for the washing machine. At the hearing he clarified that he was referring to the waste pipe and said that there had been no such incident for 3 or 4 years.
12. The back fence between no.5 and no.3 is rotting away.
13. Above the patio door, there are the remains of flashings from a former lean-to protruding from the brickwork. At the hearing, Mr. Grannell said that this was not a major item of disrepair but it is unsightly.
14. All interior cupboard doors are bowed.
15. The kitchen is in need of total upgrade. The Committee noted during the inspection that there was a single drainer sink and built-in cupboard included in the letting. Mr. Grannell said that he had installed the base unit and work surface.
16. Front gate non-existent. The Committee saw the remains of the gate in the front garden. It appears to have rotted beyond repair.
17. Side gate rotted. Mr. Grannell clarified that he was referring to the front door of the side passage, which is rotted at the base.
18. He also referred to the state of the telephone cable and box but accepted at the hearing that this was not the responsibility of the Landlord.
19. At the hearing, Mr. Grannell referred to a number of other matters which, in his opinion, affect the rental value of the property. Firstly, there was the approach alongside the sewage treatment works which was unattractive. The proximity of the works caused problems with flies in the summer and also problems with rats. He said that there was some smell but that it was not really a problem.
20. There are problems with people using the roadway and the land at the end for various unauthorised purposes, including people torching cars, racing souped up cars, and flying model aeroplanes, and also occasionally travellers camping. In addition, the field was a meeting place for gays. It was also used many weekends by young people as an area to congregate and play loud music, often until late at night. The house being some distance from the public highway, there was a feeling of insecurity.
21. There was traffic noise from The Parkway.
22. There was occasional noise nuisance from concerts held on the embankment, but he accepted that this affected a large section of the neighbourhood.
23. With regard to rental value, he said that he had looked in the papers and agents' windows and had seen more modern houses in better condition at asking rents of

£500 per month. He accepted that his last rent increase was around the end of 1998/beginning of 1999. He considered that, as it stands, the property is “not worth a penny more than £200” and that a fair value when repaired would be £300. He could not see how the Landlord justified £500 per month.

THE LAW

24. Section 14 of the Housing Act 1988 requires the Committee to determine the rent at which the dwellinghouse might reasonably be expected to be let in the open market by a willing Landlord under an assured tenancy –
- (a) which is a periodic tenancy having the same periods as those of the tenancy to which the notice relates;
 - (b) which begins at the beginning of a new period specified in the notice;
 - (c) the terms of which (other than relating to the amount of rent) are the same as those of the tenancy to which the notice relates; and
 - (d) in respect of which the same notices, if any, have been given under any of Grounds 1 to 5 of Schedule 2 to this Act as have been given (or have effect as if given) in relation to the tenancy to which the notice relates.

In making the determination, there shall be disregarded –

- any effect on the rent attributable to the granting of a tenancy to a sitting tenant;
- any increase in the value of the dwellinghouse attributable to relevant tenant’s improvements;
- and
- any reduction in the value of the dwellinghouse attributable to a failure by the tenant to comply with any terms of the tenancy.

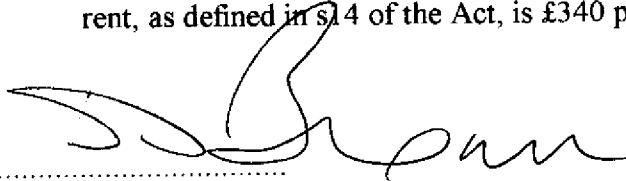
THE DECISION

25. Much of the evidence given by Mr. Grannell was confirmed by the Committee’s inspection. The approach alongside the sewage treatment works would undoubtedly deter some tenants and their proximity to the house would be an added negative factor. The situation with a roadway giving unrestricted access (apart from a height restriction barrier) to a large area of open land beyond would alert most prospective tenants to the possibility of antisocial and nuisance uses on that land, as referred to by Mr. Grannell.
26. The house is reasonably spacious and has the benefit of central heating, double glazing and a garage. There are no serious structural defects evident. However, the interior fittings are dated, the kitchen is small and has minimal fittings and the electrical installation is unsatisfactory. The various minor items of disrepair add to the overall impression of a property that requires a basic upgrading programme.
27. The garden is of a good size, but is subject to considerable levels of traffic noise, which also penetrates into the house, although this is mitigated to some degree by

the double glazing.

28. The neighbourhood is not one of the better residential areas of Peterborough. There has been a significant level of buy-to-let in the city, as a result of which the supply of three bedroomed properties to let has become somewhat saturated and prospective tenants have a wide choice of premises to choose from, many of them modern and in more attractive locations. Most of them would include carpets and at least some white goods.

29. Taking all of the relevant factors into account, the Committee determines that the rent, as defined in s14 of the Act, is £340 per calendar month.



D.S. Brown FRICS MCI Arb
Chairman

Caution: The Committee inspected the subject property for the purpose of reaching its decision. Such inspection is not a structural survey and only takes a few minutes. Any comments about the condition of the property in this Statement of Reasons are made as a result of casual observation rather than a detailed inspection. Please do not rely upon such comments as a guide to the structural condition of the property.