



REPORT TO THE COMMISSIONER OF VALUATION

PROPERTY ID	956702
CASE REGISTRATION NUMBER	8061272-1
APPELLANT	[REDACTED]
ADDRESS	Apartment 1001 70 Chichester Street Belfast BT1 4JQ
DESCRIPTION	Apartment (10 th floor)
CAPITAL VALUE	£180,000
ACTION AT CR	No change. Property to remain the Valuation List.
INSPECTION DATE	Not inspected
INTERVIEWED	[REDACTED]
SURVEY	Attached to property viewer and accepted.
TENURE	Assumed freehold or Long Leasehold subject to nominal ground rent.



PROPERTY DESCRIPTION

Primary Class:

Privately Built Housing

Sub Class:

Purpose Built Apartment

Type:

Single Level Self
Contained Apartment

Floor: 10th

Capital Value:

£180,000

Habitable Space: 65m²

Built:

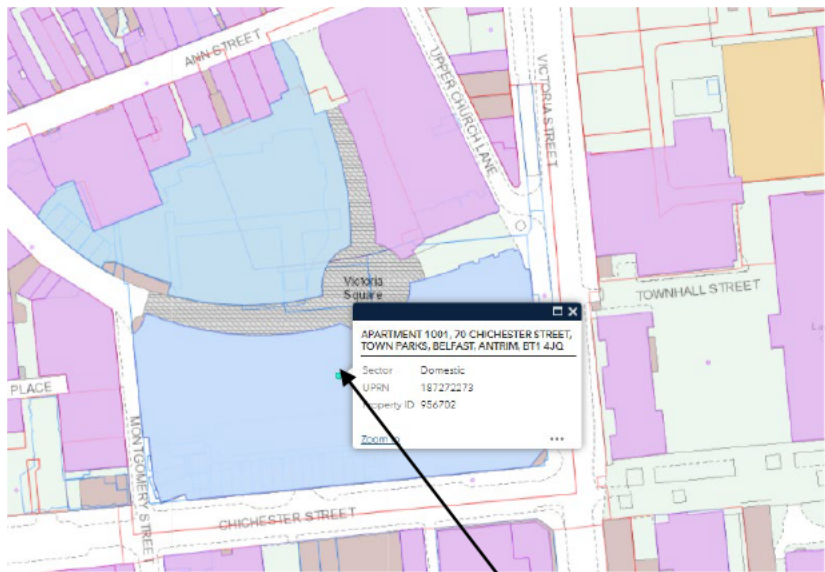
Constructed in 2008

Ward: Central

Location: Urban –
within city centre



Google maps extract – Subject apartment development



Spatial NI extract – location of Victoria Square apartment development



APPELLANT'S GROUNDS OF APPEAL

1. WE HAVE BEEN UNABLE TO GAIN ACCESS TO THE PROPERTY SINCE APRIL 2019.
2. THE PROPERTY IS CLASSIFIED AS UNSAFE DUE TO A STRUCTURAL ISSUE.
3. THE PROPERTY HAS ZERO VALUE AS IT IS UNSELLABLE.

COMMENT / DISCUSSION

Case History –

Case 8061272 – External Application Change Sought – Property to remain in Valuation List - Case closed 27/3/09.

Case 6063694 – Survey provided New Hereditament – New apartment valued at Capital Value £180,000. Case closed 18/2/22.

I spoke to the Appellant by telephone on 8/3/22 and requested if I could inspect the property. The Appellant explained this wouldn't be possible as he is out of the country for a few months and also he as one of the apartment owners in the development isn't allowed to enter his property due to H&S concerns. I consulted with my line manager and informed the Appellant I would carry out the appeal case from the desk which the Appellant was content with.

The subject 2 bed apartment is situated on the 10th floor within the Victoria Square development in Belfast City Centre. Victoria Square is a shopping, leisure and residential complex which has a number of apartments located within the upper floors.

They include:

The Lofts on Chichester St: (16 duplex apartments on 2nd Floor)

Chichester Street Apartments (29 apartments on 4 floors 3, 4, 5, & 6)

Chichester Street Tower (44 apartments on 8 floors,3, 4, 5, 6, 7, 8, 9,10)

William St South (15 apartments on 3 floors 1, 2, & 3)

The application for appeal above refers to a structural issue. As noted in another Appeal to the Commissioner of Valuation (Case 8045679-1) the defect is in connection to partial failure of column E2 in apartments 406 & 407 on the fourth floor of the apartment development. Temporary props (steel columns) were installed in 2019 to support the defective column until repairs could be carried out. This propping has been carried out down to basement level. These props have 'strain sensors' attached, which are measuring the load the 'props' are taking. The data recorded by



the sensors is being monitored remotely. I'm advised that the apartments that these are in (approx. 17) cannot be occupied as the vibration would be picked up by the 'strain sensors' resulting in inaccurate readings. I was also advised in the previous appeal case 8045679-1 that although the 'props' have been installed it does not make sense to commence any repair works until the full scale of the structural issues are identified.

The Appellant in our telephone conversation explained that legal action is underway in connection to the defects. The developers were Multi-development UK Ltd and the contractor was a joint venture between Farrans Construction and Gilbert Ash. BDP were the designers, with Benaim designing the basement. It could take a considerable amount of time for the matter to be settled.

I understand also from previous appeal case 8045679-1 that the occupiers were asked to contribute £10,000 per apartment to cover the approximate £1,000,000 repair bill for the 'props'. The column had to be stabilised privately because the insurers stated the defect was not covered by the building insurance.

I wasn't able to get into the subject property to inspect it but the Appellant advises "the failed column is a supporting column further down the block but the 10th floors structural integrity depends on this column and there have been others identified which are under designed in their load bearing capacity together with 'weak strength' concrete." The Appellant advises his solicitor [REDACTED] of Riley Stewart Solicitors can confirm this information.

I asked the Appellant if his apartment had any physical evidence of the defects. The Appellant states there is a crack across the floor when you go into the apartment.

To determine if the subject property should remain in the Valuation List we must apply *The Hereditament Test*. The key aspect of this Test is the legal position which was clarified by Mr Justice Singh in the High Court decision of Wilson -v- Coll, which asked the question:

"Having regard to the character of the property and a reasonable amount of repair works being undertaken could the premises be occupied as a dwelling?"

This is clarified later in the judgement when Mr Justice Singh states:

"The distinction is between a truly derelict property, which is incapable of being repaired to make it suitable for its intended purpose, and repair which would render it capable again of being occupied for the purposes of a dwelling house."

In relation to the subject (Apartment 1001), there are no significant defects other than



the crack on the floor the Appellant has mentioned. It is considered that the entire apartment development is at this stage capable of repair and should remain in the Valuation List.

Having confirmed that the subject passes *The Hereditament Test* we must apply the Statutory Assumptions contained in Schedule 12. Perhaps most importantly, we must consider that “*the hereditament is in an average state of internal repair and fit out having regard to the age and character of the hereditament and its locality*”.

The impact of the defective column on the subject apartment is limited, and therefore no reduction is warranted for poor external repair.

I have examined other comparables in the development and consider the subject apartment in tone (see Appendix 1). There is therefore no change to the Capital Value of £180,000.

RECOMMENDATION

VALUATION, AS ASSESSED, IS FAIR AND REASONABLE COMPARED TO COMPARABLE PROPERTIES. THE PROPERTY IS TO REMAIN IN THE VALUATION LIST.

COMMISSIONERS COMMENTS

VALUER

[REDACTED] MRICS

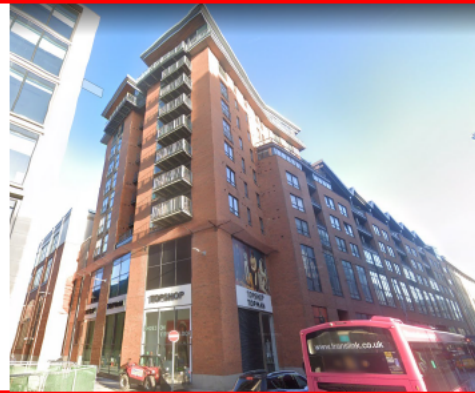

I confirm that I have no conflict of interest in dealing with this Appeal.

DATE

16/3/22





Appendix 1 – Comparable Schedule

PID	Address	Domestic Details	Capital Value	Ward	Grade	Photograph
Subject	Apartment 1001, 70 Chichester Street	Purpose Built Single Level Apartment NIA: 65m ² 10 th Floor	£180,000	Central	C	
PID 956706	Apartment 1005, 70 Chichester Street	Purpose Built Single Level Apartment NIA: 65m ² 10 th Floor	£180,000	Central	C	

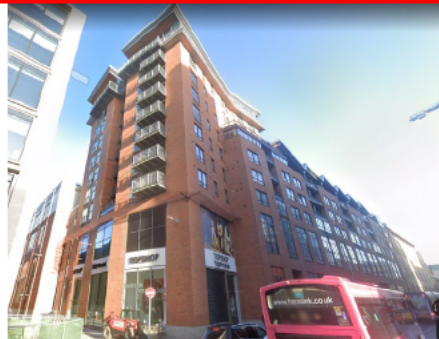
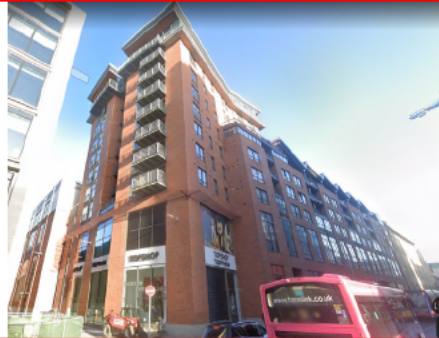


Appendix 1 – Comparable Schedule

PID	Address	Domestic Details	Capital Value	Ward	Grade	Photograph
PID 956954	Apartment 903, 70 Chichester Street	Purpose Built Single Level Apartment NIA: 72.6m ² 9 th Floor	£180,000	Central	C	
PID 956904	Apartment 802, 70 Chichester Street	Purpose Built Single Level Apartment NIA: 81m ² 8 th Floor	£180,000	Central	C	



Appendix 1 – Comparable Schedule

PID	Address	Domestic Details	Capital Value	Ward	Grade	Photograph
PID 956898	Apartment 702, 70 Chichester Street	Purpose Built Single Level Apartment NIA: 81m ² 7 th Floor	£170,000	Central	C	
PID 956705	Apartment 1004, 70 Chichester Street	Purpose Built Single Level Apartment NIA: 72.6m ² 10 th Floor	£190,000	Central	C	



Appendix 1 – Comparable Schedule

PID	Address	Domestic Details	Capital Value	Ward	Grade	Photograph

Appendix 2 – Additional Photographs



Land & Property Services
Seirbhísí Talún agus Maoine
