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**FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)**

Case Reference : **TW/LON/00AH/OCE/23016/0314**

Property : **230 Sydenham Road, Croydon,
Surrey CRO 2EB**

Applicant : **230 Sydenham Road Freehold
Limited**

Representative : **Comptons Solicitors LLP**

Respondent : **Stanley Brown**

Representative : **N/A**

Type of Application : **Freehold enfranchisement**

Tribunal Members : **Judge LM Tagliavini
Mrs Sarah Redmond FRICS**

**Date and venue of
hearing** : **10 Alfred Place, London WC1E 7LR
14 February 2017**

Date of Decision : **14 February 2017**

DECISION

The tribunal determines the following:

- (1) The premium to be paid by the Applicant to the Respondent for the freehold of the subject property is £9,761 plus £250 (appurtenant property). Therefore the total sum payable is £10,011.
- (2) The terms of the transfer are those set out in the draft TR1.

The application

1. The Applicant seeks a determination pursuant to said 24 and 33 of The Leasehold Reform Housing and Urban Development Act 1933 ("the Act") as to the premium payable for the freehold of the subject property situate at 230 Sydenham Road, Croydon CRO 2EB ("the property") and the terms of the transfer and the costs payable.

The hearing

2. The tribunal held an oral hearing of the application at which, the Applicant was represented by Mr. Wild of Comptons Solicitors and Mr. Jonathan Dean MA (Cantab) MRICS. The Respondent did not appear and was not represented.

The background

3. The property which, is the subject of this application is a Victorian end of terrace house divided into three flats 230a (ground floor), 230b (first floor) and 230c (second floor).* By a Notice of Intention dated 7 June 2016 the Applicant invoked its right to acquire the freehold at a premium of £8,000 plus £250 for the appurtenant property. The Respondent served a counter-notice admitting the Applicant's right to acquire the freehold at a cost of £11,000 plus £50,000 for the appurtenant property.

**The flats are identified in the leases as 230a (now known as 230b) on the first floor and 230b (now known as 230c) on the second floor. The flat on the ground let on a long lease to the Respondent was previously known as 230 (now known as 230a).*

4. Neither party requested an inspection and the tribunal did not consider that one was necessary, nor would it have been proportionate to the issues in dispute.

The issues

5. The tribunal identified the relevant issues for determination as follows:

- (i) The premium payable for the freehold of the subject property and the appurtenant property.
 - (ii) The terms of transfer.
6. The tribunal heard the oral evidence of Mr. Dean who spoke to his valuation report dated 3 February 2017, a copy of which was included in the hearing bundle provided to the tribunal. A valuation report was not provided, by the Respondent and no documentary evidence in support of the Respondent's case was submitted to the tribunal.

The tribunal's decision

7. The tribunal determines the premium payable for the freehold is £9,761 plus £250 for the appurtenant property.

Reasons for the tribunal's decision

8. The tribunal accepts the unchallenged evidence of Mr. Dean in his valuation as to the premium payable for the subject property and as set out in his report. The tribunal finds Mr. Dean's evidence to be credible and persuasive in light of his expertise and extensive experience of properties in the Croydon area. The tribunal is satisfied that Mr. Dean has used appropriate comparable properties in the area, in valuing the subject flats with freehold interest; has applied an appropriate deferment rate of 5% as directed in *Sportelli*; applied a yield rate of 7% and valued the flats reasonably at 230a at £225,000, 230b at £210,000 and 230c at £200,000 as at the valuation date of 8 June 2016. No marriage value is payable. The tribunal notes that a value of £250 was put on the appurtenant property comprising only of a strip of the front garden space now paved over and used as a parking space. The tribunal is of the view that having valued this property separately its identified value should be added to the premium calculated by Mr. Dean but not included in his valuation.
9. The applicant having indicated that the section 33 costs would be the subject of a further application (if necessary) did not ask this tribunal to determine their amount.
10. In conclusion, the tribunal determines that the total premium payable by the Applicant to the Respondent is £10,011. The tribunal also determines that the terms of transfer are appropriately recorded in the draft TR1 included in the hearing bundle.

Signed: Judge LM Tagliavini

Dated: 14 February 2017