

Property ID 956703: APARTMENT 1002, 70 Chichester Street, Belfast, BT1 4JQ

Date of Application to District Valuer: 18th April 2019

Records confirm:

Approved after discussion with District Valuer. No change to Capital Value. N Douglas
10/7/2019

Inspected 9.7.19 and spoke to applicant [REDACTED], owner of subject, a 10th floor penthouse apartment in Victoria Square, one of a block of 90 apartments which have lain vacant since a ten-storey steel column that is a key part of the building's structure was identified as unstable in early 2019.

During discussion and upon reading the attached documentation it was established that:

i. Occupation has been prohibited on a precautionary basis, on foot of notice served by the management company (Victoria Square [Chichester Street] Residential Management Ltd), rather than by the Council or any statutory authority.

ii. Repairs are being conducted by Farrans on the instructions of the management company. Owners (including [REDACTED]) have been asked to put up £10,000 per apartment to cover the c. £1,000,000 repair bill. The column is being stabilised privately because the insurers have 'washed their hands' of the problem, stating it is not covered by the building's insurance. The company will seek to recover its costs from the developers, Multi-development UK Ltd. (or possibly the original contractors, Farrans), a process which is likely to involve taking them to court. Repair work began end June 2019, and is due to last 22 weeks.

iii. Subject is physically undamaged. Two flats show damage, 407, where the column failure is visible (no access, this requires special permission) and 406, which has localised plaster damage only. This does not, however, take away from the fact that the building is considered to be structurally compromised (see attached report from structural engineers Design ID [REDACTED]).

In the light of the fact that the property remains a hereditament, there is no legal barrier to occupation, subject has not been directly physically affected by the failure of the column, the column is repairable, and that occupier's risk seems to be limited to £10,000, I propose that, at this point, no change is due.

Comparables assessed to support existing valuation given: "Some gradation in CV is made in this development in relation to floor level, reflecting enhancements associated with views/aspect. The market also reflects this enhancement at Victoria Square and it is proposed to implement the same practice for this development." (Extract from 2009 valuation report.) Balcony extends along full length of kitchen-living area (not shown on plan), property details otherwise assessed accurate. Occupier updated.

Inspection: Internal inspection 9th July 2019

Case Closed: 10th July 2019

Decision: The property passes The Hereditament Test and should remain in the Valuation List. No change to Capital Value.

Property ID 960600: APARTMENT 506, 70 Chichester Street, Belfast, BT1 4JQ

Date of Application to District Valuer: 6th July 2019

Records confirm:

Attempted to inspect, both via applicant [REDACTED] and property management company McGuinness Fleck but advised no access possible. Spoke to applicant [REDACTED] and [REDACTED] of McGuinness Fleck.

Victoria Square property manager [REDACTED] advises that subject is one of 16 ground to 6th floor flats which has been internally supported by a heavy duty acrow. This runs floor to ceiling, concrete to concrete, so wooden flooring and ceiling plasterboard have been cut away to accommodate it. The affected apartments are those closest to the defective structural column, over 8 floors.

The presence of this internal support, though intrusive, does not affect property's status as a hereditament. It is also noted that it stabilises a currently sound structure. [REDACTED] states that he is aware of no ancillary damage deriving from the defective structural column. The limited 'damage' to subject is solely the result of the precautionary action taken on the residents' behalf. Property details assessed accurate. Occupier updated. No change due.

Inspection: refused

Case Closed: 2nd October 2019

Decision: The property passes The Hereditament Test and should remain in the Valuation List. No change to Capital Value.

Bulk Application by Johns Elliot Solicitors for all 91 apartments, apartments 201-1005 at Victoria Square, Belfast, BT1 4JQ 101-1101

Date of Application to District Valuer: 18th April 2023

Records confirm:

The application covers the 91 properties administered by the Management Company, all of which have been compulsorily vacated as a result of the partial failure of a structural column in the building in February 2019.

The bulk of the evidence contained in the application has already been reviewed in the original revision case (7179601) and in subsequent challenge and appeal cases, notably 8045679-1 (apt 309, 13/1/22); 8061272-1 (apt 1001, 16/3/22); 8072085-1 & 8072086-1 (apartments 705 & 1004, considered jointly, 4/10/22).

The additional, previously unavailable evidence is that Phoenix Gas 'decommissioned' the gas supply to the block in December 2022, and that (if the applicant's evidence is set out in chronological order) the building's lifts have since been decommissioned. Neither item is considered determining.

Case 8061272-1 also contains the claim that: 'the failed column is a supporting column... and there have been others identified which are under designed in their load bearing capacity together with "weak strength concrete".' This assertion, not included in the current application, is mentioned by way of background as it suggests that a larger number of flats may be 'directly affected' than was previously thought, but it is not considered determining.

Case 8072085-1 discusses the issue of 'reasonableness' as applied in *Wilson v Coll* and weighed in *NIVT Whitehead v Commissioner of Valuation*. A redefinition of this concept could offer a potential future route to List removal. It does not at present.

In summary, then, the supplied evidence does not provide a basis for removing these properties from the List. They remain hereditaments and as set out in 8061272-1: 'the entire apartment development is at this stage capable of repair and should remain in the Valuation List.' Property details assessed unchanged.

Inspection: Not inspected

Case Closed: 2nd August 2023

Decision: The properties pass The Hereditament Test and should remain in the Valuation List. No change to Capital Values.