



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

**Case Reference** : LON/OOAL/ORL/2016/0189

**Property** : Flat B, 17 Wellington Gardens, London SE7 7PJ

**Applicant** : Sarah Marie Earnshaw

**Representative** : Clarke Mairs LLP

**Respondent** : Clair Jaffrey and Amjad Hussain Jaffery (missing landlords)

**Representative** : None

**Type of Application** : Enfranchisement

**Tribunal Members:** Judge Robert Latham  
Mr Neil Martindale FRICS

**Date and venue of Hearing** : Paper determination on 4 April 2016 at  
10 Alfred Place, London WC1E 7LR

**Date of Decision** : 6 April 2016

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**DECISION**

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(i) The Tribunal determines that the premium payable by the Applicants in respect of the extension of their lease in respect of Flat B, 17 Wellington Gardens, London, SE7 7PJ is £9,480.

(ii) The Tribunal approves the Deed of Surrender and Re-Grant provided by the Applicant.

## **Background**

1. On 6 January 2016, District Judge Kramer, sitting at the Newcastle Upon Tyne County Court, made a vesting order pursuant to Section 50(1) of the Leasehold Reform, Housing and Urban Development Act 1993 ("the Act") in respect of Flat B, 17 Wellington Gardens, London SE7 7PJ ("the premises"). The Court further ordered that the matter be transferred to this Tribunal to determine the form of surrender and terms of the new lease together with the appropriate sum to be paid into court in accordance with Section 50(3) of the Act.

## **Evidence**

2. We have been provided with a valuation report by Mr Nigel Carter, FRICS dated 15 March 2016. He computes the premium to be £9,480. We accept this evidence.
3. We have also been provided with the proposed terms of the new lease. We approve this.

## **Lease details**

4. The Applicant currently holds the property under a lease for a term of 99 years from 28 May 1993. The Valuation Date is 3 June 2015 when the unexpired term was 76.98 years.
5. The subject property is an Upper Ground Floor, or Hall conversion flat. It is within what was originally a substantial five-storey, semi-detached house built around 1870. It has been converted into five flats, one per floor. The flat consists of a hall, living room, kitchen, double bedroom and a shower room/wc. The gross internal floor area is approximately 54 sq m.

## **Extended Lease Value**

6. Mr Carter proposes a long lease value of £265,000. He has regard to four comparables: (i) 29B Delafield Road; (ii) 153B Charlton Church Lane, (iii) 151D Victoria Way; and (iv) 75A Troughton Road. These are all within 500 metres of the subject flat. The range of adjusted values is £251,300 to £274,000. We approve the suggested figure of £265,000 to which Mr Carter adds the conventional 1% to compute a freehold value of £267,650.

## **Relativity**

7. In the absence of transactional evidence, Mr Carter has had regard to the RICS relativity graphs for Greater London and England. He prefers to take an average of the graphs of (i) Nesbitt (94.49%) and (ii) Beckett and Kay (95.28%). He has adopted a figure of 94.9% which is lower than the overall average. He gives his reasons for excluding the other three graphs. We agree with his approach and confirm the figure that he has taken.

### **Capitalisation Rate**

8. We are satisfied that 7%, the figure proposed by Mr Carter, is the appropriate figure to adopt.

### **Deferment Rate**

9. We approve the "Sportelli" rate of 5% for deferment which Mr Carter has adopted.

### **Calculation of the Premium**

10. We have checked Mr Carter's valuation and confirm the premium payable to be £9,480.

**Robert Latham**  
**Tribunal Judge**

6 April 2016