



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

**Case reference** : **LON/00AU/OCE/2019/0061**

**Property** : **68 Isledon Road, London N7 7LB**

**Applicant** : **Thomas Edward Padgham (1)  
Finn John Rhodes and Emma Linn  
Eriksson (2) and 68 Isledon Road  
Freehold Limited (3)**

**Representative** : **Streathers solicitors LLP and Mike  
Stapleton FRICS**

**Respondent** : **Lisa Munday**

**Representative** :

**Type of application** : **Section 26 of the Leasehold  
Reform, Housing and Urban  
Development Act 1993**

**Tribunal members** : **Judge Dutton  
Mr L Jarero FRICS**

**Date of determination  
and venue** : **20<sup>th</sup> May 2019 at  
10 Alfred Place, London WC1E 7LR**

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**DECISION**

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**Summary of the tribunal's decision**

- (1) **The appropriate premium payable for the collective enfranchisement is, pursuant to s26 of the Leasehold Reform, Housing and Urban Development Act 1993 (the Act), £25,170, as set out in the report of Mr Mike Stapleton FRICS dated 7<sup>th</sup> May 2019**

## **Background**

1. On 31<sup>st</sup> October 2018 Thomas Edward Padgham the owner of 68A Isledon Road, London N7 7LB and Finn John Rhodes and Emma Linn Eriksson the owners of 68C Isledon Road aforesaid made application in the County Court at Clerkenwell and Shoreditch under claim E05EC162 pursuant to section 26(1) the Act, for a determination of the premium to be paid for the collective enfranchisement of 68 Isledon Road, London N7 7LB (the “Property”).
2. By an Order of the Court dated 20<sup>th</sup> March 2019 and by virtue of s27 of the Act, it was ordered that the freehold of the Property would be vested in the names of the first and second applicants. It would appear that the third applicant has been formed to be the nominee purchaser.
3. On 20<sup>th</sup> May 2019 the matter came before us for the determination of the premium payable for the freehold and the terms of the Transfer.
4. In a bundle of papers supplied before we considered the matter, this being a paper determination, we had copies of the papers lodged at the Court, HM Land Registry copies of the freehold and leasehold titles, the leases and a draft transfer. In addition, we were provided with an expert’s report by Mr Stapleton FRICS dated 7<sup>th</sup> May 2019. This report is relied upon by the applicants to establish the premium to be paid for the freehold.
5. Mr Stapleton’s report gave details of the three flats in the Property. There is a two bed-roomed property on the lower ground floor of some 645 sq feet enjoying access to the demised part of the rear garden. On the raised ground floor is a two bed-roomed flat of some 560sq feet, again enjoying access to the demised rear garden. Finally, there is a three bed-roomed flat on the first, second and attic level of some 1108 sq feet.
6. It is not suggested that there are tenants’ improvements we need to consider. The leases are in similar terms for 125 years with in excess of 95 years still left to run. Accordingly, there is no marriage value to consider. The ground rent rises by £50 each 25 years, appearing to cap at £300 per annum for the final 25 years.
7. Mr Stapleton is of the opinion that the capitalisation rate appropriate is 6% and the deferment rate at 5%. There is apparently a small amount of appurtenant land valued at £100.
8. In assessing the freehold value of the flats he has relied on comparable properties at 56 Isledon Road, 23b Roden Street, N7, 112 Highbury Hill N5 and flat A 50 Thane Villas N7. He has made some time adjustments for flat A 50 Thane Villas. Using a rate per square foot taken from the

average of the first two comparables of £747.50 he assessed the long lease/share of freehold value for the upper flat of £828,230. In respect of the raised ground floor flat he took the adjusted comparables at Highbury Hill and Thane Villas giving an average rate per square foot of £789 and thus a value of £441,840. In respect of the lower ground floor property he said that there was an absence of recent comparable evidence. However, taking the rate for the other two flats and the mean of those he concluded that a rate per square foot of £768.25 would be appropriate for the lower ground floor property, giving a value of £495,521.

9. Utilising these valuation elements, he concluded that the premium payable in respect of the lower ground floor flat would be £7,510, for the raised ground floor flat it would be £6,960 and for the upper flat £10,600. Together these give an overall premium payable for the freehold of the Property of £25,170 including £100 for the appurtenant land.

### **The tribunal's determination**

10. The tribunal determines that the premium payable is £25,170.

### **Reasons for the tribunal's determination**

11. We have carefully considered the report of Mr Stapleton. We consider that he has very fairly reflected the values of the comparables, some being, in our view, in perhaps better areas. We are content to accept the rates put for capitalisation and deferment at 6 and 5% respectively. The leases having terms remaining of more than 80 years means that there is no marriage value to consider.
12. Taking opinion of Mr Stapleton into account, which we accept, we find that the premium payable for the freehold of the Property is £25,170. There appear to be no additional sums for us to consider.
13. The transfer is approved as drawn, although we note it is drafted in the name of the nominee purchaser.

**Name:** Judge Dutton

**Date:** 20<sup>th</sup> May 2019

### **Rights of appeal**

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber), then a written application for permission must be made to the First-tier Tribunal at the regional office which has been dealing with the case.

The application for permission to appeal must arrive at the regional office within 28 days after the tribunal sends written reasons for the decision to the person making the application.

If the application is not made within the 28 day time limit, such application must include a request for an extension of time and the reason for not complying with the 28 day time limit; the tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed, despite not being within the time limit.

The application for permission to appeal must identify the decision of the tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal and state the result the party making the application is seeking.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).