



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

Case Reference	:	CAM/00MX/MNR/2024/0630
Property	:	Flat 29 De Havilland Building, Leigh St. High Wycombe HP11 2WP
Applicant	:	Cheuk Fung Lee (Tenant)
Representative	:	None
Respondent	:	Birchloch Ltd (Landlord)
Representative	:	None
Type of Application	:	Section 13(4) Housing Act 1988
Tribunal Members	:	N Martindale FRICS
Date and venue of Hearing (On line)	:	3 February 2025 First Tier Tribunal (Eastern) County Court Cambridge CB1 1BA
Date of Decision	:	3 February 2025

REASONS FOR DECISION

Background

- 1 The First Tier Tribunal received an application dated 26 November 2024 from the tenant of the Property, regarding a notice of increase of rent served by the landlord, under S.13 of the Housing Act 1988 (the Act).
- 2 The notice, dated 14 October 2024, proposed a new rent of £1350 per calendar month, with effect from and including 1 December 2024. The passing rent was said to be £1100 per calendar month.

- 3 The tenancy is an assured shorthold periodic monthly tenancy. A copy of the last tenancy agreement was provided. It began on 6 April 2023 when the rent was £1100 pcm.
- 4 Directions were issued 12 December 2024 by Legal Officer Laura Lawless. A hearing was not requested. The Tribunal does not routinely carry out inspections.
- 5 The Tribunal received having received the initial application sent out its standard Reply Form to both landlord and tenant.
- 6 The Tribunal carefully considered and noted such representations as it received from both parties. These included the location layout size and condition of the Property, of the building in which it is set and other available and let comparable properties as supplied.

Property

- 7 The Property is located in a new building of glass steel brick built on former industrial/ warehouse space near but, not within High Wycombe town centre. Industrial and commercial uses are still located around the building and access appears constricted and perhaps is still partly finished. It appears that in replacing former commercial, warehouse and industrial uses and buildings a very large number of new compact flats have been created in the last few years, this Property being one of them.
- 8 It was viewed externally using Google Streetview (data capture April 2023). The image shows an area in considerable upheaval with many commercial uses side by side with the four new residential schemes of new build low rise blocks of flats.
- 9 The Property accommodation comprises a good sized (c.500ft² GIA) self contained very modern flat of bedroom, bathroom, shower WC, living room/ kitchen. The tenant referred to the limited nature of any ancillary facilities and the apparent non-existence of the parking space within the communal areas said to be let with the Property.
- 10 The tenant referenced some 15 No. or so similar 1 bedroom flats in this and neighbouring modern blocks of flats available from the developers with rents ranging from £1095 pcm to £1350 pcm but ,mostly at a little over £1100 pcm. The tenant then referenced a wider selection of rents available in the Town in general which showed he said, an average of £1164 pcm. The tenant also undertook a wider range of flats to let on Rightmove which showed only the top 15% by number were to let at or around £1300 pcm, the majority for less.
- 11 The tenant made various comments about the quality of kitchen fittings as being below what might be expected at the Property. The tenant provided short videos and various monochrome photographs showing

the damaging effects on decorations and fittings at the Property from minor water ingress and in common parts said to be at the building. The tenant suggested a figure of £1150 pcm as the new rent at the Property.

- 12 The landlord provided details of flats in other nearby modern blocks. However it appeared to the Tribunal that some of these were furnished and/or included services to the occupier on an all inclusive basis. The landlord challenged the tenant's assertion that the white goods were deficient or that they had claimed them to be of a superior quality. The landlord also challenged the assertion that there were defects to common areas in the block housing the Property, but that these were from another building nearby.
- 13 The Tribunal is grateful for the representations on the rental value of the Property from both parties, both in the application form, the standard Reply Forms and in other documents provided.

Law

- 14 In accordance with the terms of S14 of the Housing Act 1988 we are required to determine the rent at which we consider the property might reasonably be expected to let in the open market, by a willing landlord, under an assured tenancy, on the same terms as the actual tenancy; ignoring any increase in value attributable to tenant's improvements and any decrease in value due to the tenant's failure to comply with any terms of the tenancy. Thus the Property falls to be valued as it stands; but assuming that the Property to be in a reasonable internal decorative condition.

Decision

- 15 The Property is one of many new residential units within four relatively large new build projects near the town centre of High Wycombe. Such schemes appear to have considerably increased the newly available dwellings to the market. It appears that the schemes have overlapped in completion dates so that the market and surroundings are only now recovering from the upheaval of all four large developments.
- 16 It appears to the Tribunal that although the De Havilland Building has provided many welcome new, quality flats for local demand, the area around this and the three adjacent schemes remains essentially industrial in nature, mixed at best, for the present. In time demand will take up the newly provided space but, that provision remains very considerable. Rental growth in this part of town will inevitably remain generally flat until then.
- 17 Based on the Tribunal's own general knowledge of market rent levels in and around High Wycombe especially in the industrial areas of the town such as the location of the Property, it determines that the subject

Property would let on a normal Assured Shorthold Tenancy (AST) terms, for £1150 per calendar month, fully fitted and in good order.

- 18 The Tribunal also finds that there has been minor but persistent disrepair in the Property and associated common areas which would not be anticipated by a tenant in an otherwise good quality scheme such as this. For these minor shortcomings the Tribunal makes a small deduction of £50 pcm. The new rent is therefore determined at £1100 pcm.
- 19 The new rent will take effect from and including 1 December 2024, the effective start date given in the landlord's Notice. The Landlord is not obliged but, may charge a rent up to though not in excess, of this figure.

Name: N. Martindale

Date: 3 February 2025

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 either party is dissatisfied with this decision, they may apply for permission to appeal to the Upper Tribunal (Lands Chamber) on any point of law arising from this Decision.

Prior to making such an appeal, an application must be made, in writing, to this Tribunal for permission to appeal. Any such application must be made within 28 days of the issue of this decision to the person making the application (regulation 52 (2) of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rule 2013).

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).

Notice of the Tribunal Decision and Register of Rents under Assured Periodic Tenancies (Section 14 Determination)

Housing Act 1988 Section 14

Address of Premises

Flat 29 De Havilland Building
Leigh St., High Wycombe
HP11 2WP

The Tribunal members were

Mr N Martindale FRICS

Landlord

Cheuk Fung Lee

Address

Tenant

Birchloch Ltd

1. The rent is: £ 1100 Per pcm

2. The date the decision takes effect is:

1 December 2024

*3. The amount included for services is negligible

nil

Per

Calendar
month

*4. Service charges are variable and are not included n/a

5. Date assured tenancy commenced

6 April 2023

6. Length of the term or rental period

Calendar monthly periodic

7. Allocation of liability for repairs

Per tenancy

8. Furniture provided by landlord or superior landlord

None

9. Description of premises

Flat on third floor flat in new build low rise 'brick steel glass' very modern block c.2020's within industrial area of High Wycombe away from town centre. Lift to all floors in communal area. Accom. c.500ft GIA. Bedroom, living room/ kitchen, bathroom, balcony. No CH. Landlord's double glazing, carpets and white goods. Ancillary garage space ? Minor disrepairs to flat ongoing. **The Landlord may charge a rent up to but, not in excess of that in box 1.**

Chairman

N Martindale

Date of Decision

3 February 2025