

# The Letter\*

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Summer 2013 Issue 7

## The Friary – a Grand Design



Chinneck Shaw have recently been appointed as Managing Agents of The Friary, one of Southsea's most interesting and attractive buildings. Built in 1851 by the distinguished Portsmouth architect Thomas Ellis Owen, this

substantially intact example of his Gothic style is Grade II listed and was originally designed as model dwellings for the poor.

The Friary comprises 23, 1 & 2 bedroom apartments and a flower shop. The dwellings were originally constructed without kitchens and had separate bathrooms! The block was extensively renovated in 2008/2009 to upgrade the apartments to include modern kitchens and incorporate bathrooms. The renovation included new distinctive gates, railings and benches by local blacksmith, Peter Clutterbuck. As a



consequence of this work the building won The Portsmouth Society's "Best Restoration Award" 2010. The blend of buildings, walls, trees, shrubs and road layout gives the area a distinctive picturesque character which makes a notable contribution to the character of Southsea and is a much sought after place to live in the heart of the city.



## In this issue

### Page 2

Race for Life

Ambitious plans to redevelop Clarence Pier have been confirmed after a public consultation

### Page 3

Court of Appeal rules Rent in advance not a deposit

### Page 4

RICS Residential Lettings Survey

Great Season for Chichester City Youth

## Newsletter mailing list

*If you would like to be added to our newsletter mailing list, please provide us with your name and address, and we will make sure that we send you a copy of The Letter each quarter.*

# Race For Life

On 21st July 2013 some of the Chinneck Shaw ladies will be taking part in the local Race For Life in Southsea. Race for Life is the largest women-only fund raising event in the UK. Dolores, Lizzie, Glynis, Shelley, Susan and Ellie will be participating in the 10k event to help raise money for Cancer Research UK. Events like Race for Life are vital in funding Cancer Research UK's life-saving work into preventing, diagnosing and treating cancer. Since Race for Life started in 1994, an incredible six million women have taken part and raised more than £493 million for Cancer Research UK.

*If you would like to sponsor Chinneck Shaw please visit [www.raceforlifesponsorme.org/chinneckshaw](http://www.raceforlifesponsorme.org/chinneckshaw) to make a donation or text CHIN96 followed by amount you would like to donate to 70070.*



## AMBITIOUS plans to redevelop Clarence Pier have been confirmed after a public consultation



Last summer, Portsmouth City Council revealed its seafront strategy – a plan to transform the city centre and the seafront over the next 15 years. Councillors have now given the green light to adopt the masterplan. Clarence Pier was highlighted as the key development site in the seafront masterplan and now, the council has narrowed the plans down to two options.

The first would be the most comprehensive development and would involve a new building incorporating a hotel, leisure uses and a transport terminal.

The second would involve the re-use or redevelopment of existing buildings, a new hotel, a separate transport interchange building and a new pedestrianised plaza. It would also see the existing funfair retained.

Council leader Councillor Gerald Vernon-Jackson said: 'We will work with the owners to try to see if we can do a redevelopment that adds to the offer for when people come to the seafront and try to make sure that we have something that's really attractive to bring people down to Southsea. 'Different groups of people come to do different things. What we have got to do is have a series of things down on the seafront that attract people.'

David Evans, manager of Southsea seafront, said: 'I'm delighted overall that the plan has been adopted. 'As part of the overall development of the seafront it's a major improvement. 'It's about trying to bridge the gap between the shopping area in Southsea and the heritage site and the seafront.'

The council will now be working closely with landowners and developers to come up with plans about how best to develop the area.



# Court of Appeal rules Rent in advance not a deposit

**There has been much debate as to whether rent paid in advance constituted a deposit and was therefore covered by the regulations governing Tenants Deposits.**

Last month the Court of Appeal clarified the situation by ruling that rent paid in advance does NOT count as a deposit. The landmark ruling means that landlords and agents are not obliged to treat rent paid in advance as a deposit which requires protection under the Housing Act 2004.

The Court of Appeal's decision was in the long-running case of Johnson v Old, where the tenant was offered a six-month tenancy and – because she did not have a set income – was asked for six months' rent in advance.

The agreement in the case provided a muddling factor, because it said the rent should be paid monthly in advance, but also said that the rent should be paid six months in advance.

The tenancy was renewed on the same terms before becoming a periodic tenancy where the rent was paid monthly in advance. When the landlord tried to serve a Section 21 notice to gain possession of the property, the tenant, Anne Old, countered by saying that a Section 21 could not be served because she had paid rent in advance which should have been treated as a deposit and protected.

The tenant's argument was successful at the first hearing, but was then challenged successfully by the landlord at a second. The tenant appealed, and with the help of legal aid, the case then went to the Court of Appeal, which gave its decision this week in favour of the landlord.

The Court of Appeal had applied the test of asking how the tenant would have responded had she been asked to make a further payment of rent for one of the months covered by the six months. It decided that the tenant would have said she had already paid it.

However, news of the decision will be greeted with relief by landlords and agents concerned about whether they should accept rent in advance.

Steve Harriott, chief executive of the Tenancy Deposit Scheme, said: "This



Had the landlord lost the case, with the Court of Appeal deciding that the rent in advance was a deposit, the penalty would have been the return of the six months' rent in advance plus a penalty of up to three times the amount.

The case was complicated by the drafting of the tenancy agreement, underlining the need for care and clarity.

is a very helpful clarification of an issue which has been concerning landlords and agents. "The judgement in this Court of Appeal case should assist those landlords and agents who want to ask for rent in advance and who can be reassured that this is not a tenancy deposit that needs protecting under the Housing Act 2004."

# RICS Residential Lettings Survey



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The latest RICS Residential Lettings Survey shows tenant demand is continuing to grow at a faster pace than new property becomes available. Indeed if anything, the gap between the two series appears to be widening according to our numbers. As a result, it is no surprise that rent expectations remain in positive territory; this has been the case since the middle of 2009. On average, rents are expected to rise by

close to 2% over the next twelve months. Significantly, although there have been some reports that rents are beginning to stabilise in parts of the country our measure of sentiment tells a rather different story with rents projected to continue rising in all regions to a greater or lesser extent.

This survey was conducted ahead of the Budget announcement introducing the Help to Buy initiative. That not only extended the existing shared equity scheme for new build property but also held out the promise of a more all

embracing mortgage guarantee to take effect from the beginning of next year.

*Chinneck Shaw comment; "While the rental market remains buoyant at present, it will be interesting to see whether the Help to Buy initiative begins to encourage some tenants back to the owner occupier market as more higher loan to value mortgages become available. Even if that proves to be the case, however, it is improbable that we will see much evidence of this before 2014.*

*The RICS Residential Letting Survey is the leading UK survey on the state of the residential lettings market, recording tenant demand, rents and expectations.*



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## Great Season for Chichester City Youth

Chichester City FC U15s have been crowned 2013 Champions of The Arun & Chichester "A" League and were runners up in the Challenge Cup Final. Chinneck Shaw's Managing Director Neil Shaw, who helps coach the team says, "Getting up early on a cold wet Sunday morning in the middle of winter is not always an appealing prospect however the boys put in a lot of effort during the season both in matches and on the training ground and deserve the success they've had this season which makes everything worthwhile".



Chinneck Shaw are delighted to sponsor the team and congratulate them on their success this season.

Energy Efficiency Rating		Current	Potential
Very energy efficient - lower running costs			
(92 plus) <b>A</b>			
(81-91) <b>B</b>			
(69-80) <b>C</b>			70
(55-68) <b>D</b>			
(39-54) <b>E</b>		47	
(21-38) <b>F</b>			
(1-20) <b>G</b>			
Not energy efficient - higher running costs			
<b>England &amp; Wales</b>		EU Directive 2002/91/EC	

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For more information contact:

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