

Dear Mr Suzic,

I understand, from the Myddelton Square Association, that you are currently in negotiations with the freeholder of Myddelton Square Gardens to establish a rent on behalf of Islington council, and are seeking residents' input on the Landlord's Surveyor's Report by Mr Robert Orr-Ewing of Knight Frank.

In relation to this report I would make the following comments. I hope this is helpful.

- A recent open market valuation, namely the purchase price of the freehold paid by Marcus Cooper, is available. I believe this was in the order of £10,000. It seems bizarre that the surveyor thinks that £100,000, which is a multiple of the purchase price, is a fair annual rent.

- If the rent is to be determined based on some hypothetical annual access charge, this amount should reflect what a leaseholder might reasonably be able to obtain.

* The surveyor's examples are in Kensington and Chelsea. Precedents in that borough are hardly representative of Islington due to the large difference in demographics, income levels and social attitudes. Islington does not have a culture of residents using private gardens. He seems to present no particularly relevant examples.

* The surveyor fails to account for the possibility that residents may be unwilling to pay for access to the gardens, or be unable to afford the proposed access charge. In view of the type of residents of the square, their attitude to private gardens in general, the fact that the square has historically been open to all, and their view of this particular situation, I consider that any leaseholder attempting to charge money for access to the square would find up-take to be extremely low, and possibly zero.

* As a resident of one of the houses on Myddelton Square I would personally be extremely unlikely to pay any significant recurring fee for access to the gardens, and nor could I be forced to. Whilst we gain some amenity from the proximity of the green space, we are only occasional users of the park itself. The surveyor suggests a £1,000 p/a access fee. If we visit the park, say, 5 or 10 times per year, the idea of paying effectively £100 or £200 per visit is ludicrous.

* Any leaseholder wishing to charge money for access to the gardens would be required to do a very significant amount of work to bring the gardens up to a standard that someone would be willing to pay for. This would require significant time and investment, which the surveyor fails to consider. There is only a passing reference to maintenance costs in the surveyor's report.

* The surveyor's report suggests that any leaseholder would be happy to pay away 100% of a generous estimate of the income that might hypothetically be obtained from charging for access to the square, without any consideration of the cost, effort and risk associated with raising that rent. Even if one accepted that a non-trivial amount of money could be raised by charging for access to the gardens (which I doubt), any leaseholder attempting to do so would require a very significant discount to that sum in order to be able to justify undertaking the venture and to compensate for the considerable effort, risk and investment that would be required.

- Similarly, charging access by means of a one-off charge is likely to result in very low or zero up-take by residents. It is likely that no residents would choose to pay for access in the short term, and even long term up-take (even if new house-purchasers on the square have the opportunity to buy access at the gardens) would be low. Residents would be under no obligation to purchase access to the gardens at any point.

- In my opinion the park is more of a liability than an asset to any leaseholder. It is unlikely that the income that could practically be generated from the space would exceed the costs of maintaining it. Islington Council is a valuable long term tenant who will commit to

managing the park, and is one of the few organisations that could do so cost-effectively (because it benefits from economies of scale managing many similar parks, and indirectly levies a charge for this to all residents of the borough via Council Tax).

- Mr Orr-Ewing's report seems extremely one-sided and sees only huge value in the gardens with no counterpoint or recognition of potential issues. I question his expertise, or suspect that more likely he has been paid to disregard his opinion and write a report which maximises Marcus Cooper Group's interests.

Please don't hesitate to contact me if I can be of further assistance