

Appeal No. VA01/1/017

AN BINSE LUACHÁLA
VALUATION TRIBUNAL
AN tACHT LUACHÁLA, 1988
VALUATION ACT, 1988

Funcom Dublin Limited

APPELLANT

and

Commissioner of Valuation
RESPONDENT

RE: Office(s) at Map Reference 1/79.80/b Murphystown, D.E.D. Dundrum, Balally,
County Dublin

B E F O R E

Fred Devlin - FSCS.FRICS

Deputy Chairman

Frank O'Donnell - B.Agr.Sc. FIAVI.

Member

Patrick Riney - FSCS. MIAVI

Member

JUDGMENT OF THE VALUATION TRIBUNAL

ISSUED ON THE 22ND DAY OF APRIL, 2002

By Notice of Appeal dated the 20th day of April 2001, the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of €412.66 (£325) on the above described hereditament.

The grounds of appeal as set out in the said Notice are that:

"We wish to appeal against the revised valuation on the grounds that the valuation is excessive, inequitable and bad in law when rental levels and other factors are taken into consideration.

The appeal proceeded by way of an oral hearing which took place on the 6th March 2002 at the Offices of the Valuation Tribunal Dublin. The appellant was represented by Mr. Brian Bagnall of Bagnall and Associates with Mr. Pat O’Leary, architect. The respondent was represented by Mr. Damien Curran, District Valuer in the Valuation Office. Having taken the oath, both Mr. Bagnall and Mr. Curran each adopted as his evidence in chief his written submission which had previously been exchanged with the other and submitted to the Valuation Tribunal.

The Property

The property the subject of this appeal comprises a two storey semi-detached office building. It is located on the southern side of Furze Road in the Sandyford Industrial Estate.

Valuation History

The premises was revised in May 2000 at RV €412.66. No change was made to the Valuation at First Appeal.

Tenure

The premises is held on four year nine month lease from 24.11.99 at a rent of €155,873 per annum.

Appellant’s Case

Mr. Bagnall in his sworn testimony stated that the subject of this appeal was a two-storey extension to an existing industrial building constructed in 1990. The new portion and subject of this appeal was constructed to an industrial standard similar to the existing building. The initial building contained 14,077sq.ft. of warehousing valued at £3.75 per sq.ft. and 3,638sq.ft. of offices valued at £4.75 per sq.ft. with the addition of mezzanine levels taken at .75p per square foot. He said that in his opinion the adjoining building that is identical in terms of quality of construction and location should be valued in the same way.

Mr. Bagnall’s valuation was as follows:

Gross External	650sq.m.	@	€64.92	=	NAV €42,198.28
NAV €42,198	x	.63%		=	€265.85

Mr. Bagnall made the following points:

1. The building is an extension to a larger building agreed on 1992 first appeal with the Valuation Office and the same levels should prevail.
2. The building was initially designed as a warehouse and was subsequently converted to offices by the installation of a mezzanine floor and was very much an industrial office building.
3. This building intercommunicated at all levels with the initial building and had a common entrance at ground floor level.

He also attached details of his two comparisons which are set out in Appendix 1 to this judgment.

Mr. Pat O’Leary Architect gave evidence and stated that the existing building was a standard industrial type building and the new extension was similar in design and similar in structure and that it was intended as an extension to the old building. He commented on Mr. Curran’s comparisons and stated that they were built as offices with no industrial content. In the subject property planning permission was obtained for industrial type use (storage and light assembly).

Respondent’s Case

Mr. Curran stated that the Valuation Offices treated the new extension as offices and as a separate hereditament and valued it accordingly. He gave the description as a two-storey semi detached office building.

Mr. Curran described the premises as a modern office extension to an existing building with good quality offices, good access and parking in the vicinity and in his opinion the NAV should be €5,698.78 giving an RV of €12.66. Mr Curran gave the Tribunal two comparisons in the Sandyford Industrial Estate details of which are set out in Appendix 2 to this judgment.

Determination

The Tribunal has considered the evidence both oral and written presented by the appellant and respondent in this appeal.

The Tribunal does not accept the comparisons submitted by Mr. Curran as being suitable as these are purpose built office buildings with no industrial content. The subject property is not a purpose built office building and was constructed to an industrial standard similar to the existing building. However the subject property is a stand-alone hereditament and should be valued at a higher rate than industrial offices attached to a factory.

In the circumstances the Tribunal determines that the valuation on the subject premises is as follows:

650sq.m.	@	€2 per sq.m.	€3,300 NAV
RV	@	.63%	€35.79 say €335.

And the Tribunal so determines.