

Appeal No. VA01/2/035

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

**Jordan Dexter Carpets**

**APPELLANT**

**and**

**Commissioner of Valuation**

**RESPONDENT**

RE: Shop at Map Reference 20a, Kilmacud Road Lower, Stillorgan South,  
Stillorgan Merville, Co. 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 9TH DAY OF APRIL, 2002**

By Notice of Appeal dated the 8th day of August 2001, the appellant appealed against the determination of the Commissioner of Valuation in fixing a Rateable Valuation of £136 (€172.68), on the above described hereditaments.

The grounds of appeal were set out in the Notice of Appeal as follows:

"That the valuation is excessive, inequitable and bad in law."

1. This appeal proceeded by way of an oral hearing held in the Offices of the Tribunal, at Ormond House, Ormond Quay Upper, Dublin 7 on the 28<sup>th</sup> November 2001. At the hearing the appellant was represented by Mr. Eamonn Halpin ASCS, MRICS, MIAVI of Eamonn Halpin and Company. The respondent was represented by Mr. Damien Curran ASCS, MRICS a District Valuer in the Valuation Office.
  
2. The property under appeal is a retail unit at ground floor level in a two storey semi-detached building located on the south side of lower Kilmacud Road directly opposite the Stillorgan Shopping Centre. The premises are occupied by the appellant under a lease for a term of 25 years on the 1<sup>st</sup> August 1999. The rent payable under the lease is £60,000 per annum but for the first two years this was abated to £50,000 and £55,000 respectively. The premises are used for the sale of carpets.  
The agreed area of the premises is 108sq.m. (1,163sq.ft.) with a frontage of 4.8m. (circa 16ft.) and a depth of 22.7m.(circa 74ft.). There are two car parking spaces in the yard at the rear.
  
3. The property was listed for revision at the 2000/4 revision and assessed at £136. No change was made at first appeal stage and it is against this decision that the appeal to the Tribunal lies.
  
4. Mr. Halpin in his evidence contended for a rateable valuation of £90 calculated on the following basis.

**Shop:**

Zone A	27.87sq.m. @ £269.10	=	£7,500
Zone B	27.87sq.m. @ £134.55	=	£3,750
Zone C	27.87sq.m. @ £67.27	=	£1,875
Balance	24.43sq.m. @ £33.63	=	£821
Two Cars	@ £150 each	=	£300
Total NAV		=	£14,246
Rateable Valuation	@ .63%	= say	£90

Or

Shop	1163sq.ft.	@ £13.20sq.ft. overall	= £15,351
Two cars		@ £150 each	= £300

NAV = £15,652

Rateable Valuation of .63% = £99

In support of his valuation Mr. Halpin introduced four comparisons as set out in Appendix 1 attached to this judgement.

5. At the hearing Mr. Halpin amended his evidence in relation to comparisons 1 and 3 as set out below.

**Comparison No.1**

24 Lower Kilmacud Road

Zone A 400sq.ft. @ £25 = £10,000

Zone B 400sq.ft. @ £12.50 = £5,000

Zone C 239sq.ft. @ £6.75 = £1,494

First Floor 243sq.ft. @ £5 = £1,215

NAV say £17,500

Rateable Valuation @ .63% = £110

**Comparison 3**

Irish Nationwide Building Society

Zone A 380sq.ft. @ £28 = £10,640

Zone B 188sq.ft. @ £14 = £2,632

Remainder 300sq.ft. @ £5 = £1,500

Mezzanine 600sq.ft. @ £4 = £2,400

Total Net Annual Value £17,172

The above calculation would give a rateable valuation of £108 as against the rateable valuation of £100, which appears in the valuation list.

6. In evidence to the Tribunal Mr. Halpin said that the properties on this side of Lower Kilmacud Road had been subject to revision on a number of occasions over the past several years. As a consequence the level of valuation was creeping upwards and this was borne out by an examination of the comparisons. Mr. Halpin was also critical of Mr. Curran's valuation approach and was of the opinion that he was unduly influenced by the level of rent paid for the subject property and did not have adequate regard to the established

levels of rateable valuations for similar properties in the vicinity. In his opinion the most relevant comparison was that introduced by him at No. 24 Lower Kilmacud Road.

7. Mr. Curran contended in his evidence for a rateable valuation of £136 calculated as set out below.

Shop 108.04sq.m.	@	£200.39	=	£21,650
Rateable Valuation of .63%			=	£136

On a zoning basis he put forward the following valuation.

Zone A 28sq.m.	@	£409.03	=	£11,452
Zone B 24sq.m.	@	£204.52	=	£4,908
Remainder 56sq.m.	@	£102.25	=	£5,726
Net Annual Value				£22,086

In his evidence to the Tribunal Mr. Curran said the premises occupied a good commercial location with excellent car parking facilities in the Stillorgan Shopping Centre on the opposite side of the road.

8. In relation to his valuation approach Mr. Curran said he had carried out an examination of a number of recent assessments in the area and found that the majority of these were valued on an overall basis and hence he had come to the conclusion that this was the most appropriate method in the circumstances of this appeal having regard to the size and location of the property. Nonetheless in regard to his comparisons number 1 and 3, he had carried out an exercise which indicated a rate of £37 and £38 per square foot effectively. In using the zoning method he considered two zones and the remainder to be the most appropriate having regard to the size and nature of the property and its location.

The properties on this section of the south side of the Lower Kilmacud Road were he said formerly semi detached residences but due to the development of the Shopping Centre they had changed to a mixture of retail and office.

## 9. Findings

The Tribunal has carefully considered all the evidence introduced and arguments put forward by the Valuers and has carefully examined the evidence of the comparisons and makes the following findings.

1. The Tribunal has noted that although there is evidence of a passing rent neither valuer has relied upon this evidence and have arrived at their opinions of value by reference to the assessments of comparable properties.
2. The Tribunal accepts Mr. Curran's evidence that the section of Lower Kilmacud Road opposite to the Stillorgan Shopping Centre has undergone a significant change in state and circumstance over the past several years and this has resulted in an increase in rental values and rateable valuations.
3. The valuers have advanced different valuation approaches. Mr. Halpin relies upon the zoning method while Mr. Curran prefers the overall method but nonetheless did attempt to analyse some of his comparisons on a zoning basis. Mr. Halpin attributes a separate valuation to the car parking spaces at the rear whilst Mr. Curran reflected these in his overall valuation.
4. In the circumstances of this appeal the Tribunal prefers the zoning method using two zones and the remainder, as applied by Mr. Curran.
5. Making the best it can of the evidence including the evidence of rental value the Tribunal has decided that the appropriate Zone A to be applied in arriving at Net Annual Value is £345 per square metre.

## 10. Determination

The Tribunal determines the Net Annual Value of the subject property to be as follows.

Zone A 27.87sq.m.	@	£355	=	£9,894
Zone B 27.87 sq.m.	@	£172.50	=	£4,808
Remainder 52.3m <sup>2</sup>	@	£86.28	=	£4,512
Net Annual Value		Say		£19,000
Rateable Valuation	@	.63%	=	£119    €151.09