

Appeal No. VA02/4/008

AN BINSE LUACHÁLA
VALUATION TRIBUNAL
AN tACHT LUACHÁLA, 2001
VALUATION ACT, 2001

Anthony Gallagher

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Shop at Map Reference: On 2, Ardnagappary, E.D.: Maheraclougher, Dunfanaghy County Donegal

B E F O R E

Fred Devlin - FSCS.FRICS

Deputy Chairperson

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

Member

Joseph Murray - Barrister

Member

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 23RD DAY OF OCTOBER, 2003

By Notice of Appeal dated the 25th October 2002, the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of €126.97 on the relevant property above described.

The Grounds of Appeal as set out in the said Notice of Appeal are that:

The Valuation is incorrect as (1) no account taken of the NAV.

(2) No account taken of comparable relevant properties in the same rating area.

This appeal proceeded by way of an oral hearing held in the Courthouse, Letterkenny on the 28th of February 2003.

At the hearing the appellant was represented by Mr. Patrick McCarroll, MRICS, FIAVI, ASCS, MCI Arb, and the respondent by Mr. Damien Curran, M.R.ICS., ASCS BSc(Surv.) a District Valuer in the Valuation Office.

Prior to the hearing the Valuers exchanged written submissions and valuations which were forwarded to the Tribunal and subsequently received into evidence under oath at the oral hearing.

Description of Property

The property consists of a single storey over basement retail premises. There is a retail outlet and café at ground floor level and at basement level there are toilets and store. The property is situated at the centre of Gweedore village midway between Derrybeg and Bunbeg. This is a retail premises with a cut stone façade and has ample car parking in the vicinity.

Valuation History

The property was revised in November 2001 with a rateable valuation of €126.97. A subsequent appeal to the Commissioner of Valuation resulted in no change being made on the quantum. This appeal was issued in October 2002.

Accommodation

The premises comprise:

Ground Floor (retail) 274 sq.m.

Basement (stores & office) 220 sq.m.

These areas have been agreed.

Appellant's Case

Mr. McCarroll in his oral evidence said that this was an attractive property situated in the Derrybeg/Bunbeg area and he has assessed the rateable valuation at €78.

The basis of his valuation is as follows:

Retail 274sq.m. @ €40per sq.m. = €10,960

Store	220sq.m.	@	€15per sq.m.	=	€3,300
Total NAV				=	€14,260
RV		@	0.5%	=	€78

He relied on Joseph Molloy's shop as his main comparison. In the course of his evidence Mr. McCarroll produced a lease for the subject property which had only recently come into his possession. However, as the parties to this lease were related parties the Tribunal decided that the lease was not relevant. Mr. McCarroll also stated that he was not relying on this lease.

In cross-examination by Mr. Curran, Mr. McCarroll stated that his comparison of Joseph Molloy's shop was substantially larger than the subject property and had an inferior fit out. The areas quoted by Mr. McCarroll for Joseph Molloy's shop were the result of a 1997/4 revision. There was a subsequent revision in 2001/4 resulting in the area of the shop being increased to 524.69sq.m. and the area of the basement store increased to 284.71sq.m. However, the rates applied to the shop and store were the same as the 1997 revision.

Respondent's Evidence

Mr. Curran having taken the oath adopted his written submission and valuation which had previously been received by the Tribunal as his evidence-in-chief. In evidence Mr. Curran contended for a rateable valuation of €126.97 which he calculated as follows:

Ground Floor Retail	274sq.m.	@	€72.29per sq.m.
Lower Ground Floor (Store & Office)	220sq.m.	@	€25.39per sq.m.

Mr. Curran stated that this was a very fine retail property, newly developed, very well fitted out and in very good condition. He stated that Mr. McCarroll's comparison was a much older property and twice the size and also trades as a supermarket. In support of his valuation Mr. Curran put forward two comparisons, details of which are attached to this judgement.

Findings

The Tribunal has carefully considered all the evidence and arguments adduced by the parties and makes the following findings.

1. There are three comparisons submitted, two by Mr. Curran, namely the Credit Union and a restaurant and one by Mr. McCarroll, Joseph Molloy's shop and restaurant. The Tribunal does not take into account the second comparison given by Mr. Curran, namely the restaurant, because of confusion and conflict of evidence regarding the area and description of the restaurant. There is an apparent discrepancy between the two valuers regarding this which the Tribunal cannot resolve.
2. The Tribunal considers the other comparison submitted by Mr. Curran, namely the Gweedore Credit Union, as being of little assistance.
3. The Tribunal considers the more suitable comparison to be that of Joseph Molloy's shop submitted by Mr. McCarroll. However an allowance has to be made for the quantum, quality and age of Molloy's.
4. Having taken all these factors into account the Tribunal considers that an increase of 30% for the subject premises over Joseph Molloy's shop is appropriate.

Determination

Having considered the foregoing the Tribunal determines the rateable valuation of the subject property to be €108 calculated as set out below:

Shop 274sq.m.	@	€63per sq.m.	=	€17,262
Store 220sq.m.	@	€20per sq.m.	=	€4,400
Total NAV				€21,662
RV	@	0.5%	=	€108.31
Say				€108