

Appeal No. VA05/1/010

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

Balaglen Ltd.

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: House, Store, Shop, Garage/Filling Station, Out-Office at Lot No. 20b.21.22/1, Rathmelton,
Milford County Donegal

B E F O R E

Fred Devlin - FSCS.FRICS

Deputy Chairperson

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

Member

Michael F. Lyng - Valuer

Member

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 14TH DAY OF JULY, 2005

By Notice of Appeal dated the 14th day of January, 2005, the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of €150.00 on the above described property.

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

"Not valued in accordance with the Valuation Acts. The Valuation is excessive."

The appeal proceeded by way of an oral hearing which took place at the Valuation Tribunal, Ormond House, Ormond Quay Upper, Dublin 7 on the 4th March, 2005. Mr. Patrick McCarroll FIAVI, MRICS, Chartered Valuation Surveyor, appeared on behalf of the appellant and Mr. Damien Curran, MRICS, ASCS, BSc. (Surv), a valuer in the Valuation Office appeared on behalf of the respondent.

Having taken the oath both valuers adopted their respective written submissions, which had previously been exchanged and received by the Tribunal as their evidence-in-chief. From the evidence so tendered and adduced the following facts largely not in dispute emerged as being those both relevant and material to the issues arising at this appeal.

Property Location

The property is situated on the mall in the centre of the village of Rathmelton.

Description

The property comprises a two and part three-storey terraced building. The ground floor is a Spar Supermarket and Off Licence. The stores are partly two-storey and independent of the shop. Access is through a narrow and low archway having a width of 2.3 metres and a height of 2.5 metres. The property was formerly a shop with residential accommodation overhead and included petrol pumps on the roadside. It was recently extended and modernised which gave rise to the request for a revision of valuation.

Valuation History

The property was revised in May 2004 and a valuation certificate was issued to the effect that the rateable valuation for the property concerned had been determined at €193.00. Following an appeal to the Commissioner of Valuation this figure was reduced to €150.00 and it is against this decision that the appeal to the Tribunal lies.

Appellant's Case

Mr. McCarroll having taken the oath adopted his précis as his evidence-in-chief and made the following points:

- 1) Rathmelton is a small village in Donegal with very little activity and is no longer a busy maritime port.
- 2) There is no car parking attached to the property.
- 3) Access to the stores is through a narrow archway at the side of the building. There is no direct access to the stores from the supermarket.
- 4) There is no vehicular access to the stores at the rear and all goods have to be handled manually. Access to the first floor stores is by way of an external concrete stairs, which is exposed to the elements.
- 5) Mr. McCarroll submitted details of four comparisons (details of which are in Appendix 1 to this judgment) all of which in his opinion were of a higher quality and access to the stores in all cases was much better than the subject.

In his submission Mr. McCarroll introduced photographs of the subject property and of his comparisons. Some of his comparisons were modern purpose built buildings and as such were much easier to manage. In his written submission, Mr. McCarroll contended for a valuation of €90.00 which he calculates as follows:

Supermarket	259.33 sq. metres @ €45 per sq.metre	= €11,669.85
First Floor Office/Store	134.39 sq. metres @ €20 per sq.metre	= €2,700.00
Ground Floor Store	266.98 sq. metres @ €15 per sq.metre	= €4,004.70
First Floor Store	35.9 sq. metres @ €5 per sq.metre	= €180.00
Total NAV		€18,554.55
RV @ 0.5%		= €92.73
SAY		= €90.00

Having discussed the comparisons and other aspects of the case Mr. McCarroll adjusted his estimate of valuation of the supermarket ground floor as follows:

Supermarket	279.31 sq. metres @ €54 per sq. metre = €15,082.74
Giving a Total NAV	€21,954.74
SAY	€22,000.00
RV @ 0.5%	= €110

Respondent's Case

Mr. Curran having taken the oath adopted his written précis and valuation, which had previously been received by the Tribunal as his evidence-in-chief.

In his evidence Mr. Curran contended for a rateable valuation of €150 calculated as set out below:

Supermarket	279.31 sq. metres @ €58.09 per sq. metre	= €16,225
First Floor Offices/Store	134.39 sq. metres @ €41 per sq. metre	= €5,510
Stores (two storey)	71.2 sq. metres @ €27.33 per sq. metre	= €1,946
Stores	231.38 sq. metres @ €27.33 per sq. metre	= €6,323
	Total NAV	€30,004
	RV @ 0.5% SAY	= €150

In support of his opinion of Net Annual Value Mr. Curran introduced three comparisons (details of which are set out in Appendix 2 to this judgment.) These comparisons and the subject property are all in small rural towns in Donegal. Some are larger buildings where a quantum allowance was given. The subject property was originally a Supermarket on the ground floor and residential accommodation on the upper floor; it also included petrol pumps on the roadside. It has been modernised and extended to include an Off Licence and the petrol pumps were removed. Mr. Curran agreed that the description of the subject property should be Supermarket.

Determination

The Tribunal has considered the evidence presented by Mr. McCarroll for the appellant and Mr. Curran for the respondent and has noted the arguments. It has taken into account the following points:

- 1) The level of assessment provided by the Valuation Office for the Supermarket @ €58.09 is fair and reasonable and in line with the tone of the list in the area.
- 2) However, the Tribunal is of the view that the Valuation Office levels for the stores and offices are excessive when the condition and the access are taken into account.

Having regard to the forgoing the Tribunal determines the rateable valuation of the subject property to be €135 calculated as set out below:

Supermarket	279.31 sq. metres @ €58.09 per sq. metre	= €16,225
First Floor Office/Store	134.39 sq. metres @ €30 per sq. metre	= €4,032
Stores	231.38 sq. metres @ €25 per sq. metre	= €5,784
Stores (two storey)	71.2 sq. metres @ €15 per sq. metre	= €1,068
	Total NAV	€27,109
	SAY	€27,000
	RV @ 0.5%	= €135

And the Tribunal so determines.