

Appeal No. VA05/2/003

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

**Clonmel Plumbing Supplies Ltd.**

**APPELLANT**

**and**

**Commissioner of Valuation**

**RESPONDENT**

RE: Retail Warehouse at Lot No. 22Ea, Heywood Road, Clonmel West Urban, Clonmel Borough, County Tipperary.

**B E F O R E**

**John Kerr - BBS. ASCS. ARICS. FIAVI**

**Deputy Chairperson**

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

**Member**

**Michael F. Lyng - Valuer**

**Member**

**JUDGMENT OF THE VALUATION TRIBUNAL**  
**ISSUED ON THE 23RD DAY OF SEPTEMBER, 2005**

By Notice of Appeal dated the 5th day of April, 2005 the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of €23.00 on the above described relevant property.

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

"We have existed in Town Centre since 1981 and only moved on parking and safety issue. Our customer base remains the same"

See also copy letter with further grounds of appeal in Appendix 1 to this judgment.

The appeal proceeded by way of an oral hearing which was held on the 10<sup>th</sup> May, 2005 in the offices of the Valuation Tribunal, Ormond House, Ormond Quay Upper, Dublin 7. At the hearing the appellant was represented by Mr. Paddy Fitzgerald, Managing Director of the appellant Company and the respondent was represented by Mr. Christopher Hicks, a Valuer in the Valuation Office.

In accordance with the Rules of the Tribunal the parties had prior to the commencement of the hearing exchanged their précis of evidence and submitted same to this Tribunal. At the oral hearing both parties having taken the Oath adopted their précis as being their evidence-in-chief.

### **Property**

The property is in the rating area of Clonmel Borough Council and is located on the Cashel Road close to the junction with the Limerick/Waterford Road and 700 metres from the centre of town. It consists of two purpose-built buildings of approximately 7 metres eaves height. There is a fenced secure tarmac yard and a large parking and circulation area. The agreed floor areas are:

Ground Floor Retail and Office	589 sq. metres
First Floor Showroom	589 sq. metres
Warehouse	570 sq. metres
Loft/Store in Warehouse	345 sq. metres
Fenced Yard	760 sq. metres.

### **Valuation History**

The Property was revised in October 2004 at a rateable valuation of €323. This valuation was appealed and in March 2005 the Commissioner of Valuation issued his decision and made no change to the rateable valuation of €323. The appellant lodged an appeal to the Valuation Tribunal in April 2005.

**Appellant's Case In Relation To Quantum**

- 1) Because of traffic congestion and loading and unloading problems, the company was forced to move from the centre of town to an industrial estate on the outskirts of town.
- 2) The proposed rateable valuation is greater than any other buildings in the industrial estate.
- 3) The appellant was paying rates of €4,000 per annum in the old premises in town and is now faced with a bill of €16,000 and there is no increase in the turnover.
- 4) Business in the new premises is both trade and retail and is open during normal business hours.
- 5) The appellant supplied six comparisons, details of which are set out in Appendix 2 to this Judgment, all within the industrial estate where the subject is located and all with lower valuations than the subject. The appellant submitted photographs of his premises and also of some of his comparisons at the oral hearing.

Under cross-examination Mr. Fitzgerald agreed that the subject was the best site in the estate and while it had no direct access from the Cashel road, it was visible from it. The site extended to approximately 1.5 acres. There is waste ground between the subject site and the Cashel Road which is owned by C.I.E. The subject was the old Rehab building which was destroyed by fire. It was purchased by the appellant and rebuilt on the existing walls. Another warehouse was built at the lower end of the site. Mr. Fitzgerald agreed that all his comparisons were 25 to 30 years old and had eaves heights of 3.5/4 metres. Mr. Hicks pointed out to the appellant that his comparison Reference No. 883629, Bolger Transport, adjoining the subject was built in 1978, had an area of 1,032 sq. metres, an asbestos roof and eaves height of 4.5 metres. Mr. Fitzgerald emphasised that the subject is located in an industrial estate and not in a shopping estate.

**Respondent's Evidence**

Mr. Hicks, for the respondent, assessed the rateable valuation of the subject property as follows:

Ground Floor/Retail/Office	589 sq. metres @ €41	per sq. metre = €24,149
First Floor Showroom	589 sq. metres @ €25	per sq. metre = €14,725
Warehouse	570 sq. metres @ €34.17	per sq. metre = €19,477
Loft/Store in Warehouse	345 sq. metres @ €13.65	per sq. metre = €4,709
Fenced Yard	760 sq. metres @ €2.00	per sq. metre = €1,520

NAV €64,580 @ .5% = RV €323

Mr. Hicks stated that the subject consisted of two new, modern, rectangular buildings with 7 metre eaves heights on two floors both of which are retail. He submitted three comparisons (details of which are set out at Appendix 3 to this Judgment) which, he said, were as far from the centre of town as the subject. He contended that the original shop in the town was not a suitable comparison. His three comparisons were modern retail warehouses on the Clonmel Bypass. These were:

- 1) Tile Savers, with a rateable valuation of €130.78. This was agreed at First Appeal in 1995. It was a smaller building than the subject on a much smaller site.
- 2) Chadwicks in Carrigeen Business Park, with a rateable valuation of €165. This was not appealed.
- 3) Tubs and Tiles with a rateable valuation of €85 which was agreed at Appeal in 2004. It is situated in a modern retail park.

Mr. Hicks regarded comparison No. 2, Chadwicks, as the most suitable comparison and it was valued at the same level as the subject. He stated that all the appellant's comparisons were old, some 25 years old, with low eaves heights, asbestos rooves and valued as warehouses with no office content. The general level applied to the appellant's comparisons was €20 to €25 per sq. metre. The highest eaves height in these comparisons is 4.5 metres while the subject is 7 metres. He contended that the subject premises was the best in the estate and the most modern. It comprised a large site with ample car parking and circulation area.

### Findings Determination

The Tribunal having carefully considered all the evidence including that in relation to the comparisons both in the written submission and given orally at the hearing makes the followings findings:

1. The subject is located in an old, dated industrial park approximately 25 – 30 years old and all the other buildings in that park are generally dated in appearance;
2. Chadwicks, which is the respondent's main comparison, is in a new, modern business park with the added benefit of having visibility off the bypass;
3. The subject is a renovated, refurbished building whereas Chadwick's is a new building;
4. A hypothetical tenant might, under normal circumstances, prefer the Chadwick's location;
5. The valuation of Chadwicks was not subjected to the rigours of the appeal process.

Taking all of the foregoing into account the Tribunal determines the rateable valuation of the subject property to be €90 calculated as follows;

Ground Floor/Retail/Office	589 sq. metres @ €37 per sq. metre	= €21,793
First Floor Showroom	589 sq. metres @ €22.50 per sq. metre	= €13,252.50
Warehouse	570 sq. metres @ €31 per sq. metre	= €17,670
Loft/Store in Warehouse	345 sq. metres @ €12 per sq. metre	= €4,140
Fenced Yard	760 sq. metres @ €1.80 per sq. metre	= €1,368
Total		€8,223.50
<b>SAY NAV</b>		<b>€8,224</b>
<b>RV @ 0.5% = €91</b>		
<b>SAY €90</b>		

And the Tribunal so determines.