

Appeal No. VA08/3/027

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

Dublin Meath Growers Society Ltd.

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Property No. 300636 Warehouse/Warerooms, Offices at Lot No., 2D, Deerpark Lawn, Dunsoghly (PT), The Ward, County Dublin

B E F O R E

Michael P.M. Connellan - Solicitor

Deputy Chairperson

Joseph Murray - B.L.

Member

Mairéad Hughes - Hotelier

Member

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 28TH DAY OF JANUARY, 2009

By Notice of Appeal received on the 1st day of August, 2008 the appellant appealed against the determination of the Commissioner of Valuation in fixing a valuation of €775.00 on the above described relevant property.

The Grounds of Appeal are set out in the Notice of Appeal, a copy of which is attached at Appendix 1 to this judgment.

The appeal proceeded by way of an oral hearing held in the offices of the Valuation Tribunal, Ormond House, Ormond Quay Upper, Dublin 7 on the 19th day of November, 2008. At the hearing the appellant was represented by Mr. Eamonn Halpin, BSc (Surveying), ASCS, MRICS, MIAVI. Mr. Patrick Murphy, BSc Valuation Surveying, a District Valuer in the Valuation Office, represented the respondent.

Valuation History

The subject property was revised in 1995 at €304.75. Following an appeal by agents Brian Bagnall & Assoc., the valuation was reduced and agreed at €234.90. The property was listed for revision in 2007, as a new warehouse and two storey offices were added. An RV of €775 was assessed in November, 2007. Representations were made to the Revision Officer, and after consideration a final Valuation Certificate was issued on 30th November, 2007 for €775. An appeal to the Commissioner was lodged in January, 2008, and after consideration of this appeal, the valuation issued unchanged on 7th July, 2008.

The Property

The subject property is located on the N2 (North Road), just past the Kilshane Cross. It is approximately 8 miles from Dublin city centre, and 2.5 miles from Junction 5 of the M50 motorway.

The property comprises a warehousing complex with two-storey offices at the front. The warehouse area consists of a soft clean pack house, a goods in marshalling area, preparation hall, store, cold room and fridge freezer room. The premises are used for the preparation, packing and distribution of vegetables. Construction consists of portal frame with double skin-clad roof, block walls with clad exterior, finished floated floors. The new warehouse has an eaves height of 8 metres and the old warehouse has an eaves height of 6 metres. The warehouse also has the benefit of three loading bays and a large yard/car park.

Accommodation

Floor areas are agreed as follows:

Old Section

Warehouse/store	579.31 sq. metres
Cold Room	400.45 sq. metres
Office Flr 0	164.09 sq. metres

Office Flr 1	164.09 sq. metres
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New Section

Warehouse H 8m	1,616.55 sq. metres
Freezer Room	104.16 sq. metres
Cold Room	561.00 sq. metres
Office Flr 0/1	163.60 sq. metres
Mezz Office	148.33 sq. metres
Carton Store	170.00 sq. metres

The Appellant's Case

Having taken the oath, Mr. Halpin adopted his précis as his evidence-in-chief. He then gave a brief description of the valuation history to the Tribunal. He said that the subject was originally valued in 1976, was re-valued in 1998 when a cold store was added, and was re-valued again in 2007 after the latest extension was added. He described the original buildings that were erected pre 1998 as being mainly of concrete portal frame construction with double skin asbestos roofing and concrete flooring together with a lean-to passage/storage area, and an eaves height of approximately 6 metres. The new additional buildings in 2007 comprise offices, warehouse/packing, marshalling and chilling areas with an eaves height of 8 metres.

Mr. Halpin described the new extension as having been fitted to a good modern standard. However, he said that the old part of the building was of a poor standard and had an asbestos roof. He also said that the old offices did not now benefit from natural light because of the 2006 extension. He said that in order to gain access to the subject, one would have to drive through a service station forecourt next door, and that the local planning authority was not keen to allow for a separate entrance. He said that about 30 growers were attached to the subject.

Mr. Halpin went on to say that the new section of the subject property was fitted out to a higher standard to that of the old section. He accepted that the levels of valuation for the subject as it then was were agreed in 1996 at €234.90.

In relation to the water supply, this was delivered via a ½ inch bore pipe, while a 4 inch pipe should be connected.

Mr. Halpin used the premises of Super Dawn Fresh Vegetables Limited, located on the old Balbriggan Road, Jordanstown, Lusk, as his only comparison (details at Appendix 2 to this judgment). This premises has a range of old and new modern buildings, including chill and cold stores and is of similar use to the subject. This property was revised with an RV of €253.95 in 1998 as follows:

Offices	68 sq. metres	@	€27.34 per sq. metre
W/House	683 sq. metres	@	€20.50 per sq. metre
Stores/prep	1,271 sq. metres	@	€17.08 per sq. metre
Loft	97 sq. metres	@	€6.83 per sq. metre
House -			€230

Mr. Halpin finished his evidence by saying that he was now looking for an RV of €575 on the subject property.

Cross Examination

Under cross examination Mr. Halpin was asked if he accepted that the levels of valuation set at €234.90 in 1995 were agreed on the old part of subject property, (after an appeal by Agents Brian Bagnall & Associates), whilst the property had the same planning and access as it has now. Mr. Halpin said that this was the case. This valuation was reduced from €304.74 (the original revision figure) to €234.90 due to the condition of the building at date of valuation, the asbestos roof, and the location of the premises. Mr. Murphy also asked Mr. Halpin if he agreed that the new extension to the subject has a higher specification and finish and is 2 metres higher than the original old part of the building, Mr. Halpin said that this was so. Then Mr. Murphy put it to Mr. Halpin that the best comparison was the subject property itself which was agreed on Appeal in 1995. Mr. Halpin said that he could not accept this as he believed that the old section of the subject was in a poorer condition than in 1995 and that this part of the building was inferior to the new area.

Respondent's Evidence

Mr. Patrick Murphy having taken the oath adopted his précis as his evidence-in-chief. He described the subject as consisting of a pack house, goods-in area, prep hall, store, cold room and a fridge freezer room, used for the preparation, packing and distribution of vegetables. Mr. Murphy said that Fingal County Council listed the property for revision in 2007 after the

premises was extended. He said that he adopted the levels that were agreed on appeal in 1995 for the old section of the subject. The new section has been developed to a higher standard, and this was reflected in the new valuation. He provided the Tribunal with 3 comparisons, details of which are attached at Appendix 3 of this judgment.

Commenting on his No. 2 Comparison- Anthony Donnelly & Sons, Mr. Murphy said that the levels applied to this property are higher than those on the subject, while the standard of both buildings is very similar. Commenting on the asbestos roof and how the hypothetical tenant might view same, Mr. Murphy said that when valuing the subject he took into consideration the location, asbestos roof, the lack of light in the old offices, and the general area, and considered his valuation to be fair in the circumstances.

Findings and Determination

The Tribunal has carefully considered all the evidence and arguments adduced by the parties and finds as follows:

1. The water supply while not supplied through a 4 inch bore, appears to be sufficient.
2. Mr. Murphy in his evidence used the levels per sq. metre that were set and agreed in 1995, and the Tribunal accepts those levels with the exception of the level on the old offices and on the yard.
3. The Tribunal considers that the lack of natural light in the old offices due to the erection of the new warehouse and two-storey office extension warrants a reduction of 10% in the level applied to those offices.
4. The yard should retain the valuation agreed in 1995 i.e. NAV of €1,541.60 (Say €1,542) in view of the fact that Mr. Murphy used all other levels for 1995.
5. Consideration was given to access and the asbestos roof when the latest valuation was set.
6. The whole of the new building is finished to a high specification and is the greater part of the overall premises.

In view of the foregoing the Tribunal determines the valuation of the subject property to be €762 as calculated below:

Warehouse	2,365.86 sq. metres	@ €27.34 per sq. metre	= €64,682.61
Freezer Room	104.16 sq. metres	@ €41.00 per sq. metre	= €4,270.56

Cold Room	961.45 sq. metres	@ €34.17 per sq. metre	= €32,852.75
Old Offices	328.18 sq. metres	@ €30.60 per sq. metre	= €10,042.31
New Office	491.78 sq. metres	@ €34.17 per sq. metre	= €5,590.21

Mezz. Office	148.33 sq. metres	@ €13.67 per sq. metre	= €2,027.67
Yard	752.04 sq. metres	@ €2.05 per sq. metre	= <u>€1,541.68</u>
Total NAV			€21,007.79

Valuation @ 0.63%	€762.35
Say Valuation	€762

And the Tribunal so determines.