

Appeal No. VA11/3/002

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

Cashel Motor Works

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Property No. 1815006, Garage/Filling Station, Showroom, Yard at Lot No. 5B,
Spafield, Cashel Rural, Cashel, South Tipperary, County Tipperary.

B E F O R E

Maurice Ahern - Valuer, IPAV

Deputy Chairperson

Tony Taaffe - Solicitor

Member

Michael Connellan Jr - Solicitor

Member

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 5TH DAY OF JANUARY, 2012

By Notice of Appeal dated the 6th day of July, 2011 the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of €50 on the above described relevant property.

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

"On the basis that the RV as assessed is excessive & inequitable." "The Commissioner has overestimated the relative worth of the subject property given its extreme size in terms of the local market - He should have made greater allowance for size & location & nature of the premises."

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 3rd day of October, 2011. The appellant was represented by Mr. Eamonn Halpin, BSc Surveying, ASCS, MRICS, MIAVI. Mr. John O'Connor, BA (Hons) a Grade 3 Valuer in the Valuation Office represented the respondent, the Commissioner of Valuation.

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 respective précis as being their evidence-in-chief.

The Property

The property is located approximately 1km south of the town centre of Cashel and consists of first floor offices above the showrooms of Cashel Motor Works. The subject property was measured on a gross internal area (GIA) basis and agreed by the parties as follows.

First floor office 420 sq. metres

This floor area was agreed by both parties.

Rating History – Relevant Dates

1. In 2006 the subject property was previously valued as part of a single entity, together with the garage, filling station, showroom and yard of the appellant at a total RV of €760. An appeal to the Commissioner of Valuation was made in June 2006 and the valuation was revised downwards to a total RV of €650.
2. The property was listed again for Revision in 2010 and was sub-divided in July 2011. The property the subject of the current appeal, being the offices, was valued separately at RV €86.
3. Representations were made in October, 2010 and the valuation remained unchanged. An appeal to the Commissioner of Valuation was lodged in December, 2010 and again the valuation remained unchanged. This appeal was disallowed in June 2011.

4. On 6th July, 2011 an appeal against the decision of the Commissioner of Valuation was lodged to the Valuation Tribunal by the appellant, through their agents Eamonn Halpin & Company seeking a reduced assessment.

Appellant's Evidence

Mr. Eamonn Halpin, having taken the oath, adopted his précis as being his evidence-in-chief. In his written précis, Mr. Halpin made the following submission. The first floor vacant offices are inferior to other offices as they suffer from the design fault of poor natural light, given that they are located at first floor level, above the parts section of the garage and have no possibility of having windows directed to the outside. The reduced light and ventilation, not to mention the actual location of the offices, restrict the potential value of the accommodation.

In his oral submission Mr. Halpin stated that the offices were ancillary, that the windows face into the showroom, that there is limited light, that there is no direct natural light or ventilation, that the offices have no profile, and that since they are on the first floor they are of limited value.

In his submission and in evidence, Mr. Halpin sought a valuation of €57 which he calculated as follows:

First floor offices: 420 sq. metres @ €27.34 per sq. metre = €11,482.80

€11,482.80 @ 0.5% = €57.41

Say, RV €57

Cross-examination of Appellant

In the course of cross-examination, Mr. O'Connor put it to Mr. Halpin that no valid comparable evidence had been provided by the appellant. In response, Mr. Halpin contended that there was no directly suitable comparison property within the subject rating authority area.

Respondent's Case

Mr. O'Connor, having taken the oath, adopted his précis as being his evidence-in-chief. He assessed the rateable valuation of the subject property as follows:

First floor offices: 420 sq. metres @ €41 per sq. metre = €17,220

Rateable valuation = Total NAV @ 0.5% = €86.10

Say, RV €86

In support of his opinion of rateable valuation, Mr. O'Connor introduced a number of comparisons, six in all. Details of these comparisons are attached at Appendix 1 to this judgment.

Cross-examination of the Respondent

In cross-examination, Mr. Halpin put it to Mr. O'Connor that Comparison No. 2, John Morrison Motors Ltd., was the best comparison but the offices of this property were ground floor offices. In reply, Mr. O'Connor stated that he had not inspected his Comparison No. 2. In response to further questioning, Mr. O'Connor stated that, in his opinion, €41 per sq. metre for separate office space was a low valuation. Mr. Halpin also put it to Mr. O'Connor the offices in the respondent's Comparison No. 4 were third generation offices and were not comparable at all to the subject property. Mr. O'Connor contended that there were lifts and air-conditioning in the subject offices.

Determination

The Tribunal having carefully considered all of the evidence, including that in relation to comparisons both in their written submissions and given orally at the hearing, makes the following findings:

The level of valuation is excessive. It accepts the valuation of €37.58 per sq. metre set out in Comparison No. 2, that of John Morrison Motors Ltd. Bearing in mind that these offices are at ground level and that the subject property is at first floor level and has deficiencies in terms of its restricted light, along with ventilation problems, the valuation of €79 is calculated as follows:

420 sq. metres @ €37.58 per sq. metre = €15,783.60

Rateable valuation @ 0.5% = €78.91

Say, €79

And the Tribunal so determines.