

Appeal No. VA96/2/046

**AN BINSE LUACHÁLA**  
**VALUATION TRIBUNAL**  
**AN tACHT LUACHÁLA, 1988**  
**VALUATION ACT, 1988**

**Power Supermarkets Limited t/a Quinnsworth**

**APPELLANT**

**and**

**Commissioner of Valuation**

**RESPONDENT**

RE: Supermarket at Map Ref: 80 (incl. 1 - 3, Marine Drive) Sandymount Road, Ward:  
Pembroke East, County Borough of Dublin  
Quantum - Method of Valuation

**B E F O R E**

**Con Guiney - Barrister at Law**

**Deputy Chairman**

**Mary Devins - Solicitor**

**Deputy Chairman**

**Brid Mimmagh - Solicitor**

**Member**

**JUDGMENT OF THE VALUATION TRIBUNAL**  
**ISSUED ON THE 14TH DAY OF JULY, 1997**

By Notice of Appeal dated the 25th April, 1996 the Appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £600 on the above described hereditament.

The grounds of appeal as set out in the Notice of Appeal are that "the RV is excessive and inequitable having regard to the provisions of the Valuation Acts and on other grounds also".

The property consists of a supermarket located in Sandymount Village.

The agreed accommodation is as follows:-

**Ground Floor:**

Supermarket	8,904 sq.ft.
Stores	1,604 sq.ft.

**First Floor:**

Offices/Canteen	813 sq.ft.
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**Rear Yard:**

15 Car spaces

The relevant valuation history is that in the valuation list issued in May, 1995 the property was assessed at £600. The occupier appealed to the Commissioner of Valuation. On 25th March, 1996 the Commissioner issued his decision leaving the valuation unchanged.

A written submission prepared by Mr. Thomas Davenport, ARICS, ASCS, on behalf of the Appellant was received by the Tribunal on 25th November, 1996. Mr. Davenport is a Chartered Surveyor with Lisney, Estate Agents, Auctioneers and Surveyors, 24, St. Stephen's Green, Dublin 2.

The written submission listed a number of negative factors which it was suggested ought to be taken into account in arriving at a rateable valuation of the premises.

They were:-

- (a) the building was nearly 30 years old and outdated in terms of the modern requirements of a supermarket;
- (b) no major expenditure had been carried out to the building for a considerable period of time; and
- (c) the property suffers from a lack of on-site car parking spaces and restricted facilities for loading and unloading.

Mr. Davenport's opinion was that a fair rateable valuation of the property was as follows:-

"Ground Floor Supermarket	8,904 sq.ft.	@	£7.50 psf	=	£66,780
Ground Floor Stores	1,604 sq.ft.	@	£3.00 psf	=	£ 4,812

Offices	813 sq.ft.	@	£4.00 psf	=	£ 3,282
15 Car Spaces		@	£100 per car	=	£ 1,500

NAV £76,349, Say £76,000

RV £76,000 x 0.63% = £480"

Mr. Davenport's written submission contained a schedule of four comparisons.

A written submission prepared by Mr. Frank O'Connor on behalf of the Respondent was received by the Tribunal on 14th August, 1996. Mr. O'Connor is a Valuer with 16 years experience in the Valuation Office.

Mr. O'Connor's opinion was that a fair rateable valuation of the property was as follows:-

"Ground Floor Shop and Stores	10,508 sq.ft.	@	£8.50 psf	=	£89,318
First Floor Offices	813 sq.ft.	@	£6.00 psf	=	£ 4,878
15 Car Spaces		@	£100 per car	=	<u>£ 1,500</u>
			NAV	=	£95,696
			x 0.63%		
			RV	=	£600"

Mr. O'Connor's written submission contained a schedule of four comparisons and two additional comparisons with respect to the car parking spaces.

The oral hearing of the appeal took place in Dublin on the 29th day of November, 1996.

Mr. Davenport in his sworn testimony adopted his written submission as his evidence to the Tribunal. In his further testimony Mr. Davenport described the building as being old and outdated. The headroom in the retail area was in the region of 12 feet in comparison to 18 feet in modern supermarkets. The effect of this was that the display of goods was severely limited in the subject premises.

Again the building was rectangular in shape. Modern supermarkets were square shaped. Their depth was the same as their frontage. This allowed better circulation of customers which was absent in the subject premises.

Mr. Davenport further stated that the storage area in the subject was not well finished internally. Also the stairs to the upper floor of the premises was located in the storage area. The storage area for these reasons could not successfully be used as retailing space.

In further evidence Mr. Davenport stated that the site of the property was restricted . It was difficult to expand the premises. Car parking was very limited and this parking space was further restricted when loading and unloading of supplies to the supermarket took place in this area.

Mr. Davenport stated that his most relevant comparison was Quinnsworth on Upper Rathmines Road. It was of the same age as the subject and was similarly a high street location. The significance of a high street location was that car parking was on the street unlike shopping centres which usually had large car parks. The Upper Rathmines Road site had in fact parking for 58 cars and loading/unloading took place in an area separate from the car park.

Mr. Davenport further stated that he had agreed the valuation of the Upper Rathmines premises at the appeal stage and he had transposed the figures from that property to the subject premises. The supermarket here had been valued at £7.45 psf.

He stated that his second and third comparison provided rental evidence from 1990 and 1988. The second comparison, Penney's of Rathfarnham had a figure of £7.25 psf for retail/stores and the third comparison, Quinnsworth of Stillorgan Shopping Centre, had £8 psf for ground floor retailing. He had agreed a figure of £8 psf in Stillorgan because there had been a substantial refurbishment of Quinnsworth at the time.

Under cross-examination by Mr. O'Connor, Mr. Davenport did not admit that the location of a local authority housing complex diminished the attractiveness of the Upper Rathmines property.

Mr. O'Connor in his sworn testimony adopted his written submission as his evidence to the Tribunal. In his evidence Mr. O'Connor contended that his core contention was that the subject was located in an affluent area. His comparisons were all from similar type areas. The subject was smaller than its competitors but it did not have any immediate competitors. He further stated that the property was located in a densely populated area of high quality housing.

Under cross-examination Mr. O'Connor agreed that his third comparison (Stillorgan Shopping Centre) is similar in size to the subject. Mr. O'Connor further agreed that the Stillorgan Shopping Centre is one of the best shopping centres in the country. He said that he put a higher figure on the retailing area in the subject than £8 psf in the Stillorgan Shopping Centre because the subject was located in a better area. Mr. O'Connor did accept that rental values are higher in Stillorgan as a general rule.

Under further cross-examination as to his valuation of the retail and stores on the ground floor as one entity Mr. O'Connor did not accept there was a difference in standards between the two areas.

Mr. O'Connor agreed that his figure of £10.50 for ground floor shops at Roches Stores in the Frascati Centre, Blackrock reflected the presence of 600 car spaces which spaces had not received a separate rateable valuation.

Under further cross examination Mr. O'Connor stated the Superquinn, Blackrock Shopping Centre was a modern centre with high rental values reflecting its success. He further accepted that rental values there were higher than in Sandymount. Mr. O'Connor had put a figure of £8 psf on ground floor retailing at Superquinn.

Finally Mr. O'Connor stated that his preferred comparison was Quinnsnorth, Stillorgan.

**Determination:**

The Tribunal finds that Mr. Davenport's evidence that there should be a differential between the rental values for ground floor retailing areas and storage areas in the subject premises should be given some weight in arriving at a valuation of the property. The Tribunal further finds that Mr. Davenport's comparison of the property at Upper Rathmines Road to be the most appropriate for the purposes of arriving at a decision in this matter. Both properties were of the same age and had a similar high street location.

The Tribunal finds that a certain limited weight should be given to the Respondent's evidence that the subject premises was located in an affluent area and thereby enhancing its rental value.

Accordingly, the Tribunal determines the valuation of the premises as follows; using the breakdown prepared by the Respondent.

Ground Floor Shop and Stores	10,508 sq.ft.	@	£7.50 psf	=	£78,810
First Floor Offices	813 sq.ft.	@	£4.00 psf	=	£ 3,252
15 Car Spaces		@	£100 per car	=	<u>£ 1,500</u>
			NAV	=	£83,562
					x 0.63%
			RV	=	£526.44
			Say	=	£527

The Tribunal therefore determines the rateable valuation of the premises to be £527.