

Appeal No. VA96/3/033

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

Ancient Order of Foresters Club

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Licensed Clubhouse at Map Ref: 17 - 18/4 Lloyds Lane, Athlone East Urban, Urban District of Athlone, Co. Westmeath
Quantum

B E F O R E

Liam McKechnie - S.C.

Chairman

Fred Devlin - FRICS.ACI Arb.

Deputy Chairman

Rita Tynan - Solicitor

Member

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 2ND DAY OF MAY, 1997

1. By Notice of Appeal dated the 26th July, 1996 the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £30 on the above described hereditament.
2. The grounds of appeal as set out in the Notice of Appeal are that "Ancient Order of Foresters Club was liable for Map Ref: 18 and 17A in 1994. Change of description of tenement to 35 incorrect, 17A clubrooms valuation £5 is the area now occupied by the club. This area 2 rooms is reduced to one room due to fire exits etc., the grouping of valuations including basement yards etc., has embarrassed the valuation. The valuation is excessive compared to like premises in the locality".

3. This case proceeded by way of an oral hearing which took place in Dublin on the 17th January, 1997. Present on behalf of and representing the Ancient Order of Foresters Club was its current Chairman Mr. Conor O'Rahilly. Mr. Lyons appeared on behalf of the Commissioner of Valuation. Having taken the oath both parties adopted as their evidence in chief the written submissions which had previously been exchanged between them and submitted to this Tribunal. From the evidence so given the following are the material facts which have emerged as being relevant to this appeal.

4. **Location of Property:-**

Some short distance west of the Prince of Wales Hotel there is on the south side of Church Street a lane known as Lloyds Lane. This lane is serviced by a one-way traffic system exiting onto Church Street. About 20 metres from its junction with this street there is, on the east side of the lane a recently constructed two storey building part of which comprises the hereditament in question.

5. **Description of Property:-**

The property, the subject matter of this appeal (Map Ref: 17 & 18) comprises the entire first floor of this recently erected two storey building. The entrance thereto from the ground floor is quite narrow measuring about 2.2 metres. The stairs to the first floor is relatively even narrower. The first floor itself is used primarily as a lounge bar by the Order. There is a small area, described as an office, but which in truth is nothing more than a working desk carved out of a storage area and used for the purposes of completing the necessary paper work. A store, toilets and passages comprise the residue of the hereditament. The ground floor has three shop units and access and emergency exit.

6. **Tenure:-**

By way of an exchange of correspondence there is in existence an agreement between the developer and the Order whereby the Order are entitled to receive a 99 year lease of the subject property from August, 1993 at a nominal annual rent of £1.00. This "agreement for lease", has not been formalised as such and the actual execution of the lease remains to be carried out.

7. **Premises - Valuation History:-**

Map Ref: 17:-

On the primary revision this map reference was described as a "Presbyterian meeting house" and had a value of £12 placed thereon and distinguished as "exempt". In 1868 this lot became rateable and was used at that time by the Protestant Young Men's Society as a reading room. In 1880 the valuation was reduced to £8 with the description, sometime later, being altered to "stores". By 1922 the valuation was reduced to £5 as the premises had fallen into considerable disrepair. Some five years later the property was destroyed by fire. Having been restored and rebuilt the Ancient Order of Foresters Club obtained a lease of the property from the then immediate lessor namely the Presbyterian Church Body. A £9 valuation was placed on it in 1928.

At that time there was an interconnecting door between 17 & 18. At 1949 revision the ground floor was separately valued with the first floor, used as a club room, attracting a valuation of £5. The following year the archway was separately rated but this was struck out in 1961. There was no order of further revision until the 1995 request by the Urban District Council which has given rise to this appeal.

Map Ref: 18:- Originally this reference had a valuation of £11 attached to it. In 1930 the first floor was valued at £4 and was at that time in the occupation of the owner. The ground floor was separately valued. In 1960 the entire lot was valued at £17 with the ground floor being used as a card and common room by the Ancient Order and the first floor as a billiards room. In recent years the roof and other structures of the building began to deteriorate. The immediate lessor, the Presbyterian Church Body was financially embarrassed. It was unable to carry the cost of repair. The Ancient Order therefore acquired a leasehold interest in the property and with regard to both number 17 & 18 conveyed the freehold interest therein to the developer who in turn agreed to enter into the arrangement above mentioned. Following the demolition and reconstruction by the said developer the Urban District Council requested that the property be listed for revision. This the Commissioner of Valuation did. A valuation of £34 was placed on the premises at revision which was reduced to £30 at First Appeal stage. It is against that determination that this appeal presently stands before this Tribunal.

8. During the course of the hearing Mr. O'Rahilly on behalf of the Order gave very valuable evidence in relation to the historical context of both the Order and the premises. He also politely but firmly indicated the view of the Order that the suggested valuation on the subject premises was excessive having regard to other properties in the locality. Whilst he did not profess to have any expertise as such in valuation matters nevertheless from his own knowledge he advanced reasons and

opinion as to why a figure of £30 should be reduced though, he was not in a position to suggest what the alternative figure on a lower scale might be. On behalf of the Commissioner of Valuation, Mr. Lyons gave a breakdown of what his suggested NAV was and supported this by reference to and by comments on three comparisons namely:

- (a) 1a/8 St. Mary's Place,
- (b) 1b.2b Barrack Street, and
- (c) 10d Church Street

Hereunder we set out this estimate of NAV and the comparisons mentioned together with the relevant notes thereon.

"Estimate of Net Annual Value:

Lounge Bar	969 ft ² @	£5.75 per ft ² =	£5,572
Office	49 ft ² @	£5.75 per ft ² =	£ 282
Store	101 ft ² @	£1.00 per ft ² =	£ 101
Toilets	150 ft ²		
Gr. Fl. Entrance & Passages	148 ft ²		
Gr. Fl. Exit	24 ft ²		
1st Fl. Landings	122 ft ²		
			£5,955

Rateable Valuation

Estimate of Net Annual Value	£5,955 x 0.5%	=	£29.78
	Say		£30.00"

Comparisons:

(1) Map. Ref: 1a/8 St. Mary's Place (Town House Centre)

Occupier: RTE

Description: Offices (first floor) and Mast.

RV: £72 agreed at '91 First Appeal.

Leasehold: 35 years with 5 year reviews from 28th November, 1990 at an annual rent of £12,816 pa.

Devalues:-

1,989 ft² @ £6.44 per ft²

(2) Map. Ref: 1b.2b Barrack Street**Occupier:** N.Z.I. Life Assurance**Description:** Offices (first floor)**RV:** £30 at 1996 Revision.**Leasehold:** 2 years and 9 months from April, 1995 at an annual rent of £8,000 pa.Devalues:-979 ft² @ £8.17 per ft²**(3) Map Ref: 10d Church Street (corner location with Lloyds Lane)****Occupier:** Nancy Hennessy**Description:** Shop (first floor)**RV:** £12 at Revision in 1988.**Leasehold:** 2 years and 9 months from May, 1988 at £75 per week (£3,900 pa).Devalues:-360 ft² @ £10.83 per ft²

9. As can be seen from the foregoing a figure of £5.75 is suggested as being the appropriate annual value of the lounge bar which has an area of 969 ft². Comparison No. 1, namely St. Mary's Place has a passing rent of £12,816 with 5 year reviews as and from the 28th November, 1990. This rent devalues as of 1989 at £6.44 psf. The net annual value however devalues at almost £1 more, and this, with an area which is almost twice as big as the lounge bar portion of the subject premises. The second comparison fronts Barracks Street which is on the far side of the River Shannon. That again is let for a term of two years and nine months from April, 1995 at an annual rent of £8,000. On a rental basis the first floor offices of 979 ft² devalue at £8.17 psf. The net annual value devaluation is about £2 less than this. The third comparisons is in fact directly on the corner of Lloyds Lane and Church Street. A shop, on the first floor of this property, devalues on a rental basis at over £10 psf. Indeed, the rateable valuation devalues significantly higher.

Determination:

In our opinion, these comparisons offer very considerable support indeed to the Commissioner of Valuation in his suggested figure of £5.75 on the lounge bar area of the subject property. There is no doubt in our view that whilst Lloyds Lane is a secondary location nevertheless the main trading street in Athlone is Church Street and indeed, is that part of Church Street which includes the junction with Lloyds Lane. There is no comparison whatsoever between this area of Athlone and say Barracks Street which is on the west of the Shannon. These remarks also apply, though to a lesser extent, in relation to St. Mary's Place. Overall therefore, whilst we appreciate the smallness and restricted nature of the subject premises nevertheless there is in our opinion an abundance of evidence available to justify the NAV and therefore the RV put on these premises by the Commissioner of Valuation. Accordingly, this Tribunal affirms the rateable valuation of £30.