

Appeal No. VA96/4/034

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

**McCormick MacNaughton**

**APPELLANT**

**and**

**Commissioner of Valuation**

**RESPONDENT**

RE: Garage/Filling station at Map Ref: 7, Lotabeg, Ward: Mayfield, Tivoli B, County Borough of Cork  
Quantum

**B E F O R E**

**Mary Devins - Solicitor**

**Deputy Chairman**

**Fred Devlin - FRICS.ACI Arb.**

**Deputy Chairman**

**Michael Coghlan - Solicitor**

**Member**

**JUDGMENT OF THE VALUATION TRIBUNAL**  
**ISSUED ON THE 23RD DAY OF JULY, 1997**

By Notice of Appeal dated the 28th day of August 1996 the Appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £195 on the above described hereditament.

The ground of appeal as set out in the Notice of Appeal is that "the valuation is excessive."

**The Property:**

The property is located on the Lower Glanmire Road opposite the Silver Springs Hotel. It is c. 2 miles east of the city centre. The Lower Glanmire Road is the main access route into Cork City from Dublin.

The property consists of an industrial building on a site of c. 1 acre, built in 1954 and originally used for the assembly of farm machinery. It is now used as a sales outlet and a repair workshop for earth moving equipment.

The building is constructed of mass concrete/concrete block walls with flat asphalt roofs. It is functional in design, has all modern facilities and is in a reasonable state of repair for its age. Part of the property, including the workshop, is 18 ft high and the remainder is 12 ft in height. The accommodation is agreed between the parties as follows:-

Offices	2,895 sq.ft
Stores	3,837 sq.ft.
Workshop	<u>3,690 sq.ft.</u>
<b>Total Buildings Area</b>	<b><u>10,422 sq.ft.</u></b>
Enclosed concrete yard	3,488 sq.ft.
Open concrete & tar yards	14,373 sq.ft.
Hard core yard	<u>6,888 sq.ft.</u>
<b>Total Yard Area</b>	<b><u>24,749 sq.ft.</u></b>

**Valuation History:**

<b>Year</b>	<b>Rateable Valuation</b>	<b>Comment</b>
1954	£ 60.00	New garage
1955	£ 95.00	Extensions
1995	£195.00	Alterations/Extensions

**Written Submissions:**

A written submission was received from Mr. Edward Hanafin BSc. (Surv)., ARICS, ASCS, MIAVI, of Lisney, Chartered Surveyors on the 2nd day of July 1997 on behalf of the Appellant.

In his written submission, Mr. Hanafin described the subject premises and set out the agreed accommodation. He gave his opinion of rateable valuation on the subject premises as follows:-

" **Net Annual Value**

In our opinion the net annual value of the property at November 1988 is £19,500 pa.

The calculated as follows:-

<i>Description</i>	<i>Sq.ft.</i>	<i>£psf</i>	<i>Total</i>
Workshop	3,690	£2.00	£ 7,380
Lean-to Store	1,260	£1.00	£ 1,260
Parts Store	1,146	£1.50	£ 1,719
Tyre Stores	1,430	£1.50	£ 2,145
Reception/Entrance	546	£2.00	£ 1,092
Offices	2,349	£2.50	<u>£ 5,872</u>
			<u>£19,469</u>

Say £19,500.

**Rateable Valuation**

Applying the agreed fraction of 0.63% implies a rateable valuation of £122."

He said that the following points were relevant.

1. The shape of the site which resulted in restricted access and limited external circulation.
2. The buildings are dated in design and construction.
3. The property is located on a busy dual carriageway.
4. Congestion and long delays are frequent occurrences on this particular section of the road.

Mr. Hanafin set out details of eight comparisons in the Cork area in support of his rateable valuation.

A written submission was received on the 18th day of June 1997 from Mr. Frank O'Connor, ARICS, BSc. (Surv), District Valuer with 16 years experience in the Valuation Office on behalf of the Respondent.

In his written submission, Mr. O'Connor described the property and set out the agreed accommodation. He gave the valuation history as set out above. Mr. O'Connor assessed rateable valuation on the subject premises as follows:-

Offices	2,895 sq.ft. @ £3.50 psf = £10,132
Workshop	3,690 sq.ft. @ £2.50 psf = £ 9,225
Stores	3,837 sq.ft. @ £2.00 psf = £ 7,674
Enclosed concrete yard	3,488 sq.ft. @ £0.25 psf = £ 872
Open concrete & tar yards	14,373 sq.ft. @ £0.20 psf = £ 2,875
Hard core yard	6,888 sq.ft. @ £0.10 psf = £ <u>689</u>
<b>Total NAV</b>	<b><u>£31,467</u></b>
NAV £31,467 @ 0.63% = RV £198.25. Say £195.	

Mr. O'Connor set out in detail four comparisons in support of his rateable valuation.

**Oral Hearing:**

At the oral hearing which took place in the District Courthouse, Cork on the 16th July 1997, Mr. Edward Hanafin of Messrs. Lisney appeared on behalf of the Appellant. The Respondent was represented by Mr. Frank O'Connor of the Valuation Office.

Both parties adopted their written précis as their sworn evidence.

Mr. Hanafin submitted that the location of the subject, while undoubtedly prominent and on a main road into Cork, nonetheless had its drawbacks. He said that there were considerable traffic delays on the busy road abutting the property and he explained that traffic coming from the city centre had to travel onto the Dunkettle roundabout and back, involving an additional journey of approximately 2 miles.

Mr. Hanafin said that the property was on a long narrow site with limited circulation space to the front and rear. He felt that the yard space should not be separately valued as, in his opinion such space was intrinsic to buildings of this nature.

Mr. Hanafin referred to the age of the building which was he said, reflected in the low headroom and its somewhat dated construction.

Finally, Mr. Hanafin submitted that the location of the property was of no particular advantage to the current owner of the property and that the property should be valued in its actual state.

Mr. O'Connor explained that the property had not been assessed for valuation purposes since 1954.

He submitted that the main point in relation to the subject property was its excellent location and because of its high visibility it should be considered in terms of retail premises rather than industrial buildings. In this connection Mr. O'Connor referred to Mr. Hanafin's comparisons and disputed their suitability.

Mr. O'Connor stated that the property was obviously suitable for the type of business carried on by the occupier, situated as it was on a main access road to Cork city and with a wide frontage. He accepted that the buildings were of fairly basic construction but submitted that they were adequate and that the location was of paramount importance.

**Determination:**

The subject property is undoubtedly located in a highly advantageous position, situated on one of the main arteries into Cork city. The hypothetical tenant would obviously take this location into account but would also have regard to the actual condition of the buildings and the dimensions of the site.

While accepting that the superior location must be reflected in the NAV of the subject, the Tribunal considers that the Respondent's assessment of the office value in particular is somewhat high taking into account the comparative evidence and the evidence in relation to the structural condition of the subject. The Tribunal feels that a figure of £3 psf is more appropriate for the office space.

It seems to the Tribunal that the values assessed by the Respondent in relation to the yard areas are similarly on the high side, particularly when one considers that some part, at least, of the yard space must be essential access. The correct NAV of the yard is, in the opinion of the Tribunal, closer to £2,000 than £4,400 as suggested by the Respondent.

In the circumstances therefore, and taking into account all of the evidence adduced, the Tribunal determines that the correct RV of the subject is £175.

