

Appeal No. VA00/1/023

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

**Ruan Healy Enterprises Ltd.**

**APPELLANT**

**and**

**Commissioner of Valuation**

**RESPONDENT**

RE: Restaurant/Cafe at Map Reference 20 St. Patrick's Road, E.D. Dalkey, Collimore, R.D.  
Dalkey, Co. Dublin

Quantum - Comparisons, location

**B E F O R E**

**Fred Devlin - FSCS.FRICS**

**Deputy Chairman**

**John Kerr - MIAVI**

**Member**

**Michael Coghlan - Solicitor**

**Member**

**JUDGMENT OF THE VALUATION TRIBUNAL**  
**ISSUED ON THE 19TH DAY OF FEBRUARY, 2001**

By Notice of Appeal dated the 25th day of April, 2000, the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £72 on the above described hereditament.

The Grounds of Appeal as set out in the said Notice of Appeal are that "the Valuation is excessive, inequitable and bad in law. Additionally the quantum is excessive when compared with other similar property in Dalkey revised prior to the 1999/4 revision".

The appeal proceeded by way of an oral hearing, which took place on the 4<sup>th</sup> day of September 2000 at the Tribunal Offices in Dublin. The appellant was represented by Mr. Eamonn Halpin B.SC. (Surveying) A.S.C.S. A.R.I.C.S. M.I.A.V.I. and the respondent was represented by Mr. Damien Curran A.R.I.C.S. A.S.C.S. B.Sc. (Surveying), who is a District Valuer with twenty years experience in the Valuation Office.

1. Prior to the oral hearing the valuers furnished written precis of evidence and valuations which were exchanged and subsequently adopted as being their evidence in chief given under oath at the oral hearing.
2. The subject of this appeal is a small retail unit in a modern two-storey development at St. Patrick's Road, Dalkey with a retail unit at ground floor level and offices at the rear of ground floor shops and on the first floor overhead. The development is located just off Castle Street in the centre of the village and is occupied under a thirty five-year lease from October 1998 with an initial yearly rent of £25,000 per annum. The premises were let on a shell basis and the lease provides for rent reviews at five yearly intervals.
3. The agreed accommodation is 780 sq.ft. (72.46 m<sup>2</sup>) and the frontage is 20 ft.
4. The property was first valued at the 1999/4 revision and entered into the valuation list at the rateable valuation of £72. No change was made at first appeal stage and it is against this decision that the appeal to this Tribunal lies.
5. This appeal was heard on the same day as that in respect of Lot No. 21 St. Patrick's Road (VA00/1/022). The evidence proffered and arguments adduced in that appeal are identical to that offered in relation to this appeal. Save for that in relation to the opinions of net annual value put forward by the respective valuers which are as set out below;

### **Appellant's Valuation:**

Estimated NAV on 1988 tone:

Restaurant Front	400 sq.ft. @ £12 = £4,800 (37.16 m <sup>2</sup> @ £129.17/m <sup>2</sup> )
Restaurant rear	380 sq.ft. @ £6 = <u>£2,280</u> (35.30 m <sup>2</sup> @ £64.58/m <sup>2</sup> )
	£7,080
@ 0.63%	= £44.60 say £44

*or*

$$\begin{array}{rclclcl}
 780 \text{ sq.ft. @ } £9/\text{sq.ft.} & = & £7,020 @ 0.63\% & = & £44.22 \\
 & & \text{Say} & = & £44 \\
 (72.46\text{m @ } £96.88/\text{m}^2 \text{ overall}) & & & & 
 \end{array}$$

### **Respondent's Valuation**

Method one:

$$\begin{array}{rclcl}
 \text{Floor Area} & 780 \text{ sq.ft. @ } £14.75/\text{sq.ft.} & = & £11,505 \\
 & @ 0.63\% & = & £72.48 \\
 & \text{Say} & = & £72
 \end{array}$$

Method two:

$$\begin{array}{rclcl}
 \text{Rent reserved under lease @ Oct. '98} & = & £25,000 \\
 \text{To 11/88} & = & £16,018 \\
 & @ 0.63\% & = & £100
 \end{array}$$

$$\begin{array}{rcl}
 \text{Valuation} & & £72
 \end{array}$$

### **Findings and Determination**

1. The Tribunal has carefully considered all the comparisons and evidence put forward by the respective valuers and appreciates the difficulty they face due to the absence of an established tone in the Dalkey town centre.
2. The Tribunal accepts Mr. Curran's opinion that "off peak" is a relative term due to the size and layout of Dalkey Village. Nonetheless the Tribunal is of the opinion that a hypothetical tenant in the market when formulating an opinion of rental value in respect of the subject property would make an allowance for the property not being on Castle Street which is the principal street in the village.

3. Having carefully considered the comparisons there appears to be no evidence to suggest that it is the policy of the Valuation Office to value retail premises in Dalkey by using the zoning method. Indeed a high proportion of comparisons introduced by Mr. Halpin have been devalued at an overall rate per sq.ft. basis. In the circumstances therefore, the Tribunal considers that the subject property should be valued on an overall rate per sq.ft. basis in this instance.
4. Of all the comparisons introduced the Tribunal considers comparisons numbers 3 & 6 put forward by Mr. Halpin to be the most helpful. Whilst they are located close to the subject property, they are on Castle Street. Number 1 St. Patrick's Road is also helpful but it is considerably larger than the subject and is an older style premises.
5. Making the best of all the comparison evidence and particularly that referred to at paragraph 4 above and taking into account the passing rent, the Tribunal determines the NAV of the subject property to be £9,750 calculated as set out below:-

Shop 780 sq.ft. @ £12.50 gives £9,750

**Rateable Valuation at 0.63% = £61**  
**and the Tribunal so determines.**