

Appeal No. VA01/3/062

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

Tegral Building Products Ltd.

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Warehouse/Warerooms at Map Reference 1.3 /Unit 1&2 (23/1.2) Western Industrial Estate, Knockmitten, Clondalkin Monastery, Clondalkin, County Dublin

B E F O R E

Tim Cotter - Valuer

Deputy Chairman

Frank O'Donnell - B.Agr.Sc. FIAVI.

Member

Michael McWey - Valuer

Member

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 15TH DAY OF APRIL, 2002

By Notice of Appeal dated the 18th day of October 2001 the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of €380.92 (£300) on the above described hereditament.

The Grounds of Appeal as set out in the Notice of Appeal are that;

The valuation is excessive and inequitable. Previously assessed at two hereditaments and determined by the Tribunal at £150 each. Reduction for quantum denied.

The appeal proceeded by way of an oral hearing in Dublin on the 25th February 2002. The appellant was represented by Mr. Alan McMillan a Director of GVA Donal O Buachalla. The respondent was represented by Mr. Pat Kyne, BE., ARICS, Diploma P&D Economics, Chartered Surveyor, and a District valuer in the Valuation Office. Both valuers prepared written summaries of their evidence, which they exchanged with each other and gave to the Tribunal in advance of the hearing.

Property

The property comprises two warehouse and office units previously valued separately and now amalgamated. Units are one storey and front the M50 Motorway. The premises is located on Holly Road within the Western Industrial Estate with dual access from the Naas Road via Nangor Road/Oak Road or Nangor Road/ Knockmitten Lane.

Valuation History

The subject property was newly valued as two separate hereditaments in the 1991/4 Revision at £160 each. The rateable valuations were appealed to the Tribunal and agreed before hearing at €190.5 (£150) each. (VA93/1/086 and VA93/1/087).

These hereditaments were listed for revision with the instructions to “revise to include two adjoining buildings” and included in the 2000/4 revision and amalgamated into a single hereditament of €425.45 (£335). This increased assessment was appealed and reduced by the Commissioner to €381.

Tenure

Leasehold

The two units are held on a twenty-year lease with five-year reviews from the 14/6/95 at stepped rents of €70,794.25 for years 1,2 and 3 and €80,907.71 for years 4 and 5. The two units were purchased in shell condition on the 23/7/90 for €18,250 (€9,125 each).

Appellant’s Evidence

Mr. McMillan on behalf of the appellants stated that the subject property was originally designed and built as two separate units that had now been amalgamated into one unit

and consequently a reduction in valuation should be allowed. He also stated that the principle of “rebus sic stantibus” should apply here as the premises were very poorly laid out. Mr. McMillan gave nine comparisons where a quantum allowance was given varying from 1% to 14%.

Mr. McMillan’s estimate of valuation:

Existing RV	€81
Reduction @ 10%	€8
RV	€43

The Respondent’s Case

Mr. Kyne agreed generally with the factual position here that the subject premises previously comprised two warehouse and office units valued individually. He said that the offices were one storey and fronted onto the M50 motorway with good parking provision and well secured perimeter fencing installed.

Mr. Kyne stated that on appeal he had restored the agreed Tribunal decision of €190.46 on each unit. This gave a reduction in RV from €419.01 to €380.92. Mr. Kyne stated that no quantum allowance was given in this case for the following reasons:

- a. Two units were amalgamated here but overall there was still a very small area involved of only 1,499sq.m.
- b. The location of the amalgamated units within the estate had improved since the RVs were agreed in VA93/1/086 & 087. It now linked to the Naas Road via Knockmitten Lane and via Oak Road / Nangor Road which had developed into a large modern business park in recent years with firms such as Walsh Western and An Post etc. This now gave dual access to the property.
- c. Economies of scale applied.
- d. The units could be easily subdivided, as they were two individual adjoining units.

He also stated that he had never been asked for or seen a quantum allowance for units of this size and there was no Valuation Tribunal precedent for giving a quantum allowance for units as small as this. He questioned the comparisons given by Mr. McMillan where

quantum allowance had been given by the Tribunal. He stated that these properties extended from 53,000 sq. ft. up to 248,000 sq. ft. and consequently were not comparable.

Findings and Determination

The Tribunal has considered all the evidence given and arguments adduced by both sides.

The Tribunal finds that:

- (a) The location of the subject premises has improved significantly since the valuations were placed on the separate units at Tribunal appeal in 1991.
- (b) The area concerned, following the amalgamation of the two units, is not of such a scale as would merit the application of a quantum allowance.

In the circumstances therefore the Tribunal determines that the valuation fixed on the subject hereditaments is fair and reasonable and consequently affirms the valuation at €380.92.