

Appeal No. VA02/2/059

AN BINSE LUACHÁLA
VALUATION TRIBUNAL
AN tACHT LUACHÁLA, 2001
VALUATION ACT, 2001

Woodstown Nursery & Montessori Ltd.

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Creche at Map Reference: 1B Unit 12-15 (First Floor), Ballycullen, Woodstown Shopping Centre, Rathfarnham. County Dublin

B E F O R E

Tim Cotter - Valuer

Deputy Chairperson

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

Member

Michael F. Lyng - Valuer

Member

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 24TH DAY OF FEBRUARY, 2003

By Notice of Appeal dated the 24th April 2002, the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of €184.11 on the relevant property described above. The Grounds of Appeal as set out in the said Notice of Appeal are that: " The valuation is excessive, inequitable and bad in law. The quantum is excessive compared with similar type accommodation which has been revised and appealed in recent years".

The appeal proceeded by way of an oral hearing, which took place in the Arbitration Centre, Distillery Buildings, Church Street, Dublin on Monday 21st October 2002.

Mr. Eamonn S. Halpin BSc. (Surveying) ASCS., ARICS., MIAVI., appeared on behalf of the appellant. Mr. Kevin Heery B.Comm ASCS., MRICS., MIAVI., a staff valuer in the Valuation Office appeared on behalf of the respondent.

In accordance with the rules of the Tribunal, the parties had prior to the commencement of the hearing, exchanged their précis of evidence and submitted same to the Tribunal.

At the oral hearing both valuers, having taken the oath, adopted their précis as being their evidence in chief. Submissions were also made.

The Property

The property is located on the first floor of Woodstown Shopping Centre, which is off Ballycullen Road in Firhouse, South Dublin. It is about two miles from Tallaght Village and the Square and seven miles from Dublin city centre. The crèche is sited on the first floor of a new neighbourhood shopping development known as Woodstown Village Centre in Ballycullen. There are three retail units on the ground floor with a number of office suites on the first floor. The Crèche is the largest single occupier on the first floor. There are approximately 58 car spaces attached to the centre.

Valuation History

The property was first valued in the 2000/4 revision. At first appeal the rateable valuation was struck out due to lack of notification. The property was revised in 2001/4 revision and a rateable valuation of €184.11 was placed on the property. The Commissioner at first appeal affirmed this valuation.

The Appellant's Case

Mr. Halpin set out his valuation considerations in support of a reduction in the NAV as follows:

- a. The location is on a par with the broad basket of comparisons yet the NAV adopted is higher.

- b. The building is almost identical to comparison No. 1 in terms of type, nature, location and value.
- c. The NAV here is high in view of the passing rent which is approximately 25% lower than that achieved for the pure office space in the development.
- d. The NAV adopted is excessive in view of the comparative information particularly the established tone for similar type buildings on sites in the general area.
- e. The Commissioner has failed to be consistent in that he has sought to apply a higher level of NAV to the subject.
- f. The Commissioner has failed to maintain the tone of the list and thus has over assessed the subject premises viz. buildings of similar type, size, use and value.
- g. There is little or no difference between the subject and comparison No. 1 yet the level applied to the subject is approximately 34% higher in terms of NAV.
- h. The level adopted is high when compared to that of standard office units in the general area. This is particularly so when some of these units have superior locations.
- i. The other units in this development (not appealed) do not reflect the best evidence upon which to assess the subject due to (i) being assessed using the same criteria as the subject at the same time (ii) they ignore the already widely established tone of the list (iii) they are not of similar function (iv) they command higher rental values for generally smaller areas.

Mr. Halpin contended for a rateable valuation of €140 calculated as set out below.

First Floor Crèche	326.7 sq. m.	@	€68.34 per sq. m.	= NAV	€22,326.67
RV		@	0.63%	=	€140.65
			Say		€140

In support of his valuation Mr. Halpin introduced seven comparisons, which are attached to this judgment as Appendix 1. Under cross-examination by Mr. Heery, Mr. Halpin agreed that Woodstown Shopping Centre was approximately three times larger and had many more car spaces than Orlagh Shopping Centre and that the tone in Orlagh Shopping Centre was much lower than Woodstown.

Respondent's Case

Mr. Heery assessed the rateable valuation on the subject premises as follows:

Rent passing €53,964 as at 19th May 1999

adjust to 1988 @ 55% of the initial rent gives an NAV of €29,680

RV @ .63% = €186.98

Say €184.11

Valuation equated to 326.7 sq.m. @ €9.45per sq. m. (overall).

Mr. Heery stated in oral evidence that his basis of comparison was the level of rateable valuation fixed at revision or agreed at first appeal on all the other units in the Woodstown Shopping Centre; these are set out in Appendix 2.

He stated that the rateable valuation on the subject property is in line with the general agreed levels for units in this shopping centre. Mr. Heery submitted that Orlagh Shopping Centre was not as good as Woodstown and that the rents were much lower in that development. Under cross-examination by Mr. Halpin, Mr. Heery stated that in his opinion 55% of the initial rent gave a fair NAV for the property concerned.

Findings and Determination

The Tribunal has considered the evidence presented by Mr. Halpin for the Appellant and Mr. Heery for the Respondent has noted the arguments adduced by both parties.

The valuers have adopted different approaches to the valuation of the property concerned.

The appellant has valued the premises in relation to comparable premises in other locations and does not accept the comparisons located in the same shopping centre. The Commissioner of Valuation has based his valuation on the tone of the list established in Woodstown Shopping Centre, which in turn was based on rental levels in the Centre adjusted to 1988.

The Tribunal has considered the comparisons offered by both sides and finds that Orlagh Park Shopping Centre, where the appellant's Comparison No 1, i.e. Orlagh Park Montessori and Crèche is located, is a smaller and older shopping centre than the

subject and that the rental levels in Orlagh Park are less than those in Woodstown. In relation to the other comparisons offered in evidence by the appellant, the Tribunal considers that the comparisons located in the subject shopping centre are the more relevant comparisons. The Tribunal is satisfied that the levels assessed on the Woodstown Shopping Centre reflect the difference in the relative rental values between the Woodstown and the adjacent Orlagh Shopping Centre. The Tribunal is also satisfied that the NAV assessed on the subject premises is in line with the tone of the list established in this Centre at revision or by agreement at first appeal, on all the other units. While the use of the subject unit is as a crèche, there is no difference in any material sense from the pure office units in the Centre and hence it is fair and reasonable that the subject should be similarly valued.

Having regard to the evidence adduced and the arguments proffered the Tribunal considers that the Rateable Valuation of €84.11 as determined by the Commissioner of Valuation is fair and reasonable. The Tribunal therefore disallows the appeal and affirms the valuation.