

Appeal No. VA02/4/047

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

Tom Mc Gillycuddy Ltd

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Showroom at Map Reference 6b, Tralee, County Kerry

B E F O R E

Frank Malone - Solicitor

Deputy Chairperson

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

Member

Patrick Riney - FSCS. MIAVI

Member

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 22ND DAY OF MAY, 2003

By Notice of Appeal dated the 14th November 2002, the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of €95 on the relevant property above described.

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

"Due to the location, facilities and dated condition of the property I feel the valuation is excessive."

The appeal proceeded by way of an oral hearing which was held in the Conference Room Kerry County Council, County Buildings, Tralee on the 14th of March 2003. At the hearing the appellant was represented by Mr. Tom Mc Gillycuddy owner of the property. Mr. David Molony BSC MRICS District Valuer Valuation Office was the appeal Valuer and appeared on behalf of the respondent. Prior to the oral hearing the appellant and respondent exchanged written submissions and forwarded copies to the Tribunal, which were subsequently received into evidence under oath at the oral hearing.

Property Location

The property is located on the Dingle road on the outskirts of Tralee Town.

Description

The property comprises a semi-detached part single and part two-storey furniture showroom with yard at the rear and adequate car parking to the front. A filling station which was part of the property was removed in 2001 due to excessive running costs.

Valuation History

In 1990/4 First appeal the valuation was fixed at €76.18 and property was described as furniture store and filling station. The property was listed for revision and the result issued on the 9th of November 2001 with a rateable valuation of €126.97 and description showroom and yard. This was appealed by Mr. Mc Gillycuddy and the Commissioner issued his decision to reduce the rateable valuation from €126.97 to €95.00. This was issued on the 17th October 2002. On the 14th November 2002 the appellant lodged an appeal to the Valuation Tribunal. The agreed floor areas are:

Ground Floor Shop and Office	390.04sq.m
Stores and Workshop	70 sq.m.
First Floor Showroom/Office	144.7 sq.m.

Appellant's Case

Mr. Mc Gillycuddy submitted that the Valuation was too high in view of the following:

1. The property was purchased in 1990 for £62,000.00 and had a rateable valuation of £60.00.
2. The property at that time consisted of a Furniture Store and Filling Station. Since that time the biggest change has been the removal of the Filling Station and associated shop from the property. This was a result of the Town having too many Filling Stations in place causing saturation in the market place.
3. The property was revalued resulting in an increase in the rateable valuation even though the property's earning potential had been diminished.
4. The property is a Warehouse type structure used as a furniture retail outlet and located on the outskirts of the town next to a refugee centre and two halting sites.
5. Appellant feels that a fair valuation would be in the region of €70 to €80.
6. A shift in the economic focus of Tralee has swung the core business to the east side of the town which leaves the subject property out on a limb on the West Side away from the economic focus.
7. No permanent mains sewage street lighting or bin collection.

Mr. Mc Gillycuddy submitted four comparisons and also photographs of the subject premises as it is currently and as it was prior to the removal of the filling station. He stressed that a halting site beside his property and a new hotel, which is now used as a refugee centre have a negative influence on his business.

Respondent's Case

Mr. David Molony on behalf of the Commissioner said that the property was situated approximately one eighth of a mile south west of Tralee Town Centre on the Dingle Road. The property comprises a semi-detached part single and part two-storey furniture showroom structure partly of concrete and metal cladding. The property is recessed from the public road with adequate off road car parking. He says that the property internally was in excellent condition having been extensively refurbished. The property is held freehold. He stated that a reduction of €1.95 was made at first appeal stage. The rateable valuation is €5.00.

Valuation History

At the hearing Mr. Molony amended his estimate of NAV as set out on page 6 of his submission. The rate applied to the first floor should be €27.32 giving an NAV on the first floor of €3,953.20. The estimate of NAV was amended as follows:

Ground Floor

Shop & Offices 390.4 sq m @ €32.28 per sq m = €12,602.11.

Workshop & Stores 70 sq m @ €18.83 per sq m = € 1,318.10

First Floor

Showroom/Offices 144.7 sq m @ €27.32 per sq m = € 3,953.20

Total NAV €7,873.41

RV @ 0.5% = €89.36

Say €90.00

Mr. Molony submitted two comparisons and also photographs of the subject premises.

Findings and Determination

The Tribunal having carefully considered all the evidence including that in relation to comparisons both in the written submissions and given orally at the hearing, makes the following findings:

The Tribunal agrees that the valuation in general terms is fair and reasonable. However it is of the view that a rate per sq. metre of €27.32 on the First Floor Showroom and Offices is excessive when compared with a rate of €32.28 per sq. m. on the ground floor.

The Tribunal therefore determines the rateable valuation as follows:

Ground Floor

Shop & Office 390.40 sq m @ €32.28 per sq m = €12,602.11

Workshop/Store 70 sq m @ €18.83 per sq m = € 1,318.10

First Floor

Showroom/Office 144.7 sq m @ €14.37 per sq m = €2080.00

Total NAV €16,000

RV @ .5% = ~~€80~~

Accordingly the Tribunal determines the RV of the subject property to be ~~€80.00~~