

Appeal No. VA04/1/063

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

Winterwood Ltd.

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Workshop, Showroom, Offices at Lot No. Part 14, Abbeyquarter South/Castle Street, Sligo East, County Sligo

B E F O R E

Fred Devlin - FSCS.FRICS

Deputy Chairperson

Joseph Murray - Barrister

Member

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

Member

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 23RD DAY OF SEPTEMBER, 2004

By Notice of Appeal dated the 30th day of March, 2004 appealed against the determination of the Commissioner of Valutaion in fixing a rateable valuation of €88.00 on the above described relevant property.

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

"Not valued in accordance with the Valuation Act and the valuation is excessive when compared to comparable properties in the same rating area."

The appeal proceeded by way of an oral hearing which took place at the Offices of the Tribunal, Ormond House, Ormond Quay Upper, Dublin 7 on 17th June, 2004. Mr. Walter Murphy, FIAVI, of Murphy & Sons, Auctioneers, Sligo appeared on behalf of the appellant and Ms. Carol Spain, B.Sc. (Hons) Valuation Surveying, C.Dip. A.F., a Valuer in the Valuation Office appeared on behalf of the Commissioner. Having taken the oath both valuers adopted their respective written submissions, which had been previously received by this Tribunal, as being their evidence-in-chief. From the evidence so tendered and adduced the following facts largely not in dispute emerged as being those both relevant and material to the issues arising on this appeal.

LOCATION

The property is situated on the east side of Water Lane, which links Castle Street and Rockwood Parade in the town of Sligo. The property is located in a designated area for urban renewal and substantial development has occurred in this area in the past 10 years.

DESCRIPTION

The premises comprises of a ground floor showroom with retail frontage to Water Lane, a rear workshop, first floor office and first floor store. It comprises part two-storey and part single-storey. The two-storey section was newly constructed in 1996/1997. At the beginning of the hearing it came to light that there was a discrepancy in the areas of Mr. Murphy's comparisons and these were amended and agreed as follows:-

Comparison No. 2. River Bank Restaurant 184 sq.m (net internal) at €86.80 per sq. metre. A store of 65 sq. metres is not included in the valuation.

Comparison No. 3. Pepper Alley Restaurant 184 sq.metres (net internal) at €3.50 per sq.metre. A store of 35 sq.metres at €39.00.

Comparison No. 4 IMC Garage/Workshop 335 sq.metres at €34.11 per sq.metre.

VALUATION HISTORY

The property was revised in June 2003 at a rateable valuation of €88.00.

No change was made at first appeal in March 2004.

The agreed areas are as follows:

Ground Floor: -	Showroom	74.75sq.metres
	Workshop	130sq.metres
First Floor: -	Office	14.5sq.metres
	Store	16.08sq.metres

APPELLANT'S EVIDENCE

Mr. Murphy gave details of his case according to his précis of evidence and assessed the rateable valuation on the subject property as follows:

Retail/Showroom	74.75sq.m @ €82/sq.m=	€6,129.50
Workshop	130.00sq.m @ €33/sq.m =	€4,290.00
Office	14.50sq.m @ €35/sq.m =	€ 507.50
Store	16.08sq.m @ €35/sq.m =	<u>€ 562.80</u>

Total NAV **€11,489.80**

SAY **€11,490.00**

RV @ 0.5% = **€57.45**

SAY **€57.00**

In support of his opinion of Net Annual Value Mr. Murphy put forward as comparison details of four properties located in the town as set out in Appendix 1 attached to this judgment. Under cross examination Mr. Murphy agreed with Ms. Spain that comparison 1, namely 35 Market Street, was valued pre 1988 and under section 49 of the Valuation Act, 2001 this comparison could not be used.

RESPONDENT'S EVIDENCE

Ms. Spain, on behalf of the respondent, contended for a rateable valuation of €88.00 calculated as follows:

Retail/Showroom	74.75sq.metres @ €23.01/sq.metre	=	€9,195.00
Workshop	130.00sq.metres @ €47.84/sq.metre	=	€6,220.00
Office	14.50sq.metres @ €68.34/sq.metre	=	€ 990.00
Store	16.08sq.metres @ €68.34/sq.metre	=	<u>€1,100.00</u>
Total NAV			€17,500.00
	RV @ 0.5% =		€87.52
	SAY		€88.00

In support of her opinion of net annual value, Ms. Spain put forward details of 6 comparisons as set out in Appendix 2 attached to this judgment. She commented on the four comparisons admitted by Mr. Murphy as follows:

Regarding comparisons 2 and 3 she said that she considered these two comparisons to be unsuitable because of their size and the nature of the business carried on.

Comparison 1 was valued in 1980 and should not be considered under current legislation as it pre-dates 1988. Regarding comparison 4 she stated that because of its size a quantum allowance was given here.

DETERMINATION

The Tribunal, having considered the written submissions and all other evidence adduced during the oral hearing and the arguments made, prefers the evidence of Ms. Spain in relation to showroom and workshop and the levels of value applied, particularly having regard to the configuration of the shop and frontage onto Water Lane. The Tribunal has, however, formed the view that the first floor accommodation has been valued at too high a level and that the two areas on the first floor namely office and store are similar and should be valued at the same level. The Tribunal determines the rateable valuation of the property to be €83.00 calculated as set out below:

Ground Floor:

Retail/Showroom	74.75sq.m @ €23.01/sq.m	=	€9,195.00
Workshop	130.00sq.m @ €47.84/sq.m	=	€6,220.00

First Floor:

Office/Store	30.58sq.m @ €40/sq.m	=	<u>€1,223.20</u>
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Total NAV	€16,638.20
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RV @ 0.5%	=	€83.19
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SAY	€83.00
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And the Tribunal so determines.