

Appeal No. VA04/2/009

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

**Mairead Tobin**

**APPELLANT**

**and**

**Commissioner of Valuation**

**RESPONDENT**

RE: Shop at Lot No. 64-Unit 7, Main Street, Carrickmacross, County Monaghan

**B E F O R E**

**Fred Devlin - FSCS.FRICS**

**Deputy Chairperson**

**Mairéad Hughes - Hotelier**

**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 5th day of April, 2004 the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of €61.00 on the above described relevant property.

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

"Valuation excessive & inequitable."

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 13th July, 2004. The appellant was represented by Ms. Sheelagh O Buachalla, B.A., A.S.C.S., a director of GVA Donal O Buachalla & Company and the respondent was represented by Ms. Rachael McCarry, B.Sc. (Surv), a Valuer in the Valuation Office. At the oral hearing both parties, having taken the oath, adopted their précis which had previously been received by the Tribunal, as being their evidence-in-chief. Submissions were also made.

**Property**

The property comprises a ground floor retail unit with an agreed area of 90.30 sq.metres used for the sale of pharmaceutical products. It is situated at the main entrance of Market Square Centre in Carrickmacross. This centre comprises SuperValu Supermarket, five internal units and two external units.

**Valuation History**

The premises was valued for the first time in August 2003 when the valuation was fixed at €1.00.

At first appeal stage submissions were made to the revision officer following which the valuation issued unchanged

**Tenure**

Property is held on a twenty-five year FRI Lease with five year rent reviews from 2003 at a yearly rent of €1,115.00.

### **Appellant's Case**

Ms. O Buachalla gave details of her case in accordance with her précis of evidence. She set out her valuation considerations as follows:

- 1) The subject premises does not benefit from passing trade within the Shopping Centre as it is an exterior unit and the majority of the pedestrian flow to the Shopping Centre would be from the carpark entrance.
- 2) The unit is not visible from within the Centre.
- 3) While it is an exterior unit it does not have any street profile due to the location of the Toll House directly in front of it. The adjoining exterior unit, Habana, has a 6 metre frontage onto Main Street.
- 4) The unit is located in a new Shopping Centre development which has not yet been established and the main commercial activity in the town is located at the other end of Main Street (Dublin Road end), which is wider, has plenty of on-street car-parking and has a good mix of commercial activity including three banks.

In her direct evidence Ms. O Buachalla stated that this Unit, Unit 7, is outside the Shopping Mall and does not benefit from the Shopping Centre. The view is obscured from the street by the Toll House and consequently does not benefit from passing trade. Ms. O Buachalla submitted a list of 4 comparisons which are in Appendix 1 attached to this judgment. She also produced photographs of the subject premises taken at different locations.

### **Valuation**

Ms. O Buachalla contended for a rateable valuation of €43.00, which she calculated as follows:

Shop      90.3sq.metres @ €96.28/sq.metre = €8,694.00  
 RV @ 0.5% = €43.00

Ms. O Buachalla made an allowance of 20% to take account the disadvantages of the subject property in relation to the units in the Shopping Centre. The subject suffered from three main problems:

- 1) While it has frontage onto the main street, it is set back considerably.
- 2) Lack of visibility as it is obscured behind the Toll House.
- 3) While it is part of the Shopping Centre, it does not benefit from the Shopping Centre.

She confirmed that the subject premises can trade outside hours even if the Shopping Centre is closed.

### **Respondent's Case**

Ms. McCarry on behalf of the respondent stated that the subject property comprises a ground floor retail unit of 90.3 sq.metres used for the sale of pharmaceutical products. It is situated at the main entrance of Market Square Centre and adjacent to the anchor tenant SuperValu. Parking is provided at the rear of the development and at basement level. The subject property is slightly larger than other units within the Shopping Centre. In her précis Ms. McCarry submitted a list of six comparisons details of which are in Appendix 2 attached to this judgment. She also submitted photographs of the subject property and she contended for a valuation of €61.00 which she calculated as follows:

Unit 7      90.3sq.metres @ €136.67 per sq.metre = €12,341.03

**NAV      €12,341.03**

RV @ 0.5% = €61.00

Her comparisons 1,2 and 3 are situated in the Shopping Centre and are valued at €136.67 per sq. metre.

## **Findings**

The Tribunal has carefully considered all the evidence adduced including that in relation to the comparisons referred to by the parties and makes the following findings.

1. The Market Square Shopping Centre is an arcade type development with pedestrian access from Main Street and the car park at the rear.
2. The property concerned is located at one side of the Main Street entrance opposite to the anchor tenant “Super Valu.”
3. The Main Street entrance is set back from the existing building line and the courtyard space in front contains the Toll House which is so located as to obscure the visibility of the property concerned from the pavement.
4. By virtue of its location within the Centre the property concerned can trade outside the normal opening hours of the Centre.
5. The Tribunal notes that rental levels for unit shops on a square metre level are uniform regardless of size or location within the Centre.
6. Whilst the Tribunal accepts Ms. O Buachalla’s evidence that the Toll House detracts from the profile and visibility of the property concerned from the Main Street the Tribunal is of the opinion that this drawback is more than offset by the advantage of being able to trade outside the normal opening hours of the Centre.

## **Determination**

Having regard to the foregoing the Tribunal finds that the valuation of the property concerned is fair and reasonable in accordance with the relevant provisions of the Valuation Act, 2001. Accordingly the valuation of €61 is affirmed.

And the Tribunal so determines.