

Appeal No. VA08/5/103

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

**Mr. Rodney Cromer & Mrs. Phyllis Cromer**

**APPELLANT**

**and**

**Commissioner of Valuation**

**RESPONDENT**

RE: Property No. 445182, Workshop at Lucan Road, Lucan, County Dublin

**B E F O R E**

**Michael P.M. Connellan - Solicitor**

**Deputy Chairperson**

**Michael F. Lyng - Valuer**

**Member**

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

**Member**

**JUDGMENT OF THE VALUATION TRIBUNAL**  
**ISSUED ON THE 14TH DAY OF JANUARY, 2009**

By Notice of Appeal dated the 25th day of July, 2008 the appellant appealed against the determination of the Commissioner of Valuation in fixing a valuation of €35,100.00 on the above described property.

The grounds of appeal are set out in the Notice of Appeal, a copy of which is attached at Appendix 1 to this judgment.

The appeal proceeded by way of an oral hearing held in the offices of the Tribunal, Ormond House, Ormond Quay Upper, Dublin 7 on the 15<sup>th</sup> October, 2008. At the hearing the appellant Mr. Rodney Cromer attended and was represented by Mr. Barry McDonald, BSc (Property) MIAVI, and the respondent by Mr. Joseph McBride, MSc, ASCS, MIAVI a Valuer in the Valuation Office. Each representative having taken the oath adopted his précis and valuation, which had previously been received by the Tribunal and exchanged with the other party, as his evidence-in-chief.

### **Location**

The property consists of offices, showroom, workshops, stores and yard, at Cromer's Yard, Lucan, Co. Dublin. The said premises are delineated and edged in green on the copy ordnance map annexed to Mr. McDonald's précis, a copy of which is set out at Appendix 2 hereto. There are rights of way marked in red across the said property to two residences lettered N and O on said map. The property is located in Lucan Village, Co. Dublin on the south side of Lucan Road with its junction with Main Street, and is adjacent to the Garda Station. It has lane access across at the side of said station. A location map taken from Mr. McBride's précis is annexed hereto at Appendix 3.

### **The Property**

It comprises a range of buildings which consist of different sheds, offices, and workshop and are denoted from numbers 1 to 9 inclusive in black on the map referred to at Appendix 4 hereto.

The building areas have been agreed by the parties as follows:

Block	1 & 2	Offices	44.9 sq. metres
Block	3 & 4	Showroom & WC	<u>31.0 sq. metres</u>
Total			75.9 sq. metres

Block	5	Workshop	3.6m eaves	194.5 sq. metres
Block	6	Store	3.4m eaves	102.8 sq. metres
Block	7	Workshop	3.4m eaves	<u>166.5 sq. metres</u>
Total				463.8 sq. metres

Block	8	Store poor	2.9m eaves	77.2 sq. metres
Block	9	Store open fronted	2.8m eaves	<u>196.5 sq. metres</u>
Total				273.7 sq. metres

Yard at blocks 5 and 8	Gravel	circa	309.0 sq. metres
Yard at block 7	Concrete	circa	<u>180.0 sq. metres</u>
Total			489.0 sq. metres

### **Services**

All services are attached to the property.

### **Title**

The title is freehold.

### **The Appellant's Evidence**

Mr. McDonald said that the property under appeal is extremely unique. It's an industrial yard in the heart of Lucan Village. The entrance to the yard is very easy to miss as it is directly after the Garda Station and is very narrow. It is 3.1 metres wide. It is difficult if not impossible to get any large vehicle into the property. It is also difficult to get into the lane as one has to make a sharp angled turn into same. It's not the ideal location from an industrial point of view.

The buildings are mainly old sheds with office accommodation. These buildings have been there for many years. The appellant's family have owned these premises for generations. Some of the buildings have been changed in latter years.

He referred to the ordnance map annexed at Appendix 2 hereto. The buildings are marked thereon as follows:

Block Nos. 1 & 2 are office buildings

Block Nos. 3 & 4 are showroom and W.C. The showrooms are now vacant

Block 5 a & b is a workshop and is a concrete block building.

Block 6 a & b is a store

Block 7 is a workshop

Block 8 a, b and c is a store in poor condition

Block 9 a, b and c is an open fronted store

He handed in photographs of all of the building (duly marked) and exhibited at Appendix 5 hereto.

He pointed out that there are rights of way over the property from the roadway to (a) the cottage marked “N” on the map and (b) the appellant’s residence marked “O” on the said map (see Appendix 2).

He told the Tribunal that he has had the property for letting either in its entirety or in separate units for over a year without success. In the last few months he had let the office unit, blocks 1 & 2, and part of the storage at no. 6 (a) and (b).

He said that they did not dispute the values applied to some of the blocks – blocks 1, 2 and 6 (a) and (b). The remainder are in dispute as the values placed thereon are too high. Some people looked at the premises but showed no interest in taking same. He said that in his opinion the reasons for failure are (i) access (ii) profile and (iii) the rights of way over the premises and the condition of many of the units.

Block 7 which is a large detached block to the rear of the premises or yard is, he said, very similar to the respondent’s Comparison No 4.3, Unit 5BC Tara Co-Operative, Leixlip Road, Lucan. In construction and condition it is similar, but the location is much better than the subject premises. The Valuation Office set a valuation of €40 per sq. metre on these premises which he said, reflects a fairer valuation for Block No. 7.

He then referred to Block No. 9(a) (b) and (c), the open fronted building, and said he could not put a rental value on same as they were, in his opinion, pretty much unlettable. From a storage point of view they are open to the elements and are right in at the back of the yard with poor access. He maintained that there should be no valuation on same. In his précis he used, in comparison, sheds at rear of Collin’s Butchers, Main Street, Lucan. These premises are right in the heart of the village, in a similar location and in poor condition. The Valuation Office had placed no valuation on these premises. He also pointed out that the same could be said for Blocks 8 a, b and c. This would be fairer.

He again reiterated that he had done his best to let these premises but failed.

In relation to the Valuation Office comparisons he said that a lot of them were incomparable as they were fresh, modern units with better location and access. He pointed out that he knew each of the properties well and Conway's (Comparison No 4.1 and 4.2) in particular. The frontage is large and opens up the use of these premises for other purposes. This, he maintained, you don't get in the appellant's premises because of access and profile. The respondent's Comparison No 4.4, Michael Hallinan's, has excellent access – good and wide. This comparison had a lower valuation applied to it than blocks 5 and 7. The Valuation Office Comparison No 4.5, Dormevale, is situated in the Hills Industrial Estate, close to the village, and is on the roadside. It has excellent access and profile. The final three of the Valuation Office comparisons No's 4.6, 4.7 and 4.8 are much more modern with good access and profiles. These are different types of buildings to the subject premises.

Cross examined by Mr. McBride, he said he did not dispute that the premises were last valued in 1958.

He agreed that some of the premises were let and that the rental levels on blocks 1, 2 and 6(a) and (b) on a short term letting was €13,000p.a. He again pointed out that he was not contesting the valuations on these buildings.

He confirmed the rest of the units in the premises were on his books and that he could not get a tenant for same.

He also agreed that his Comparison, Collins Butchers, was a retail unit with a yard and old buildings at the rear thereof. It had a number of mixed uses to it, a retail shop to the Main Street, with various buildings to the rear as well as a yard. The access to the rear is poor.

### **Mr. Rodney Cromer's Evidence**

Having taken the oath, Mr. Cromer said that two of the buildings were not there in 1958 and that these buildings replaced the buildings that were there in 1958. There was no actual change in the square footage of these buildings. The old buildings were derelict and unsafe. These units are blocks 6a and b and 7.

In relation to the open sheds at the back (blocks 9 a, b and c) he pointed out that it was not unusual to find open sheds in a builder's yard. These sheds had reduced security as there was a right of way going past the front of them.

He also said that the utmost care must be taken when exiting his yard as Garda cars were, on occasion, inclined to come out of their premises at speed.

### **Respondent's Evidence**

Mr. Joseph McBride having taken the oath said that the buildings in Cromer's yard are of moderate to fair construction and were all basically of the same standard of finish. He then referred to the description of each unit as set out on page 3 of his précis. He maintained that each unit should have the same valuation.

He also referred to the photographs at pages 6 to 11 in his précis. He said that these tell a story. The premises are easy to find as they are right next to the Garda Station in the middle of Lucan village. He also pointed out that these premises were more amenable to local people setting up small businesses therein.

When it was pointed out to him by the Tribunal that it was extremely difficult to let the property, he said that it was a sign of the times and possibly Mr. Cromer, because he lived on the property, was a bit selective.

He said that he made an error in not valuing the concrete yard next to block 7. It has no right of way through it.

He said that he reached his valuation by looking at other properties in the area and using his judgement as a valuer with over 27 years' experience. His NAV is €35,100 as set out on page 12 of his précis. He again said that a valuation of €60 per sq. metre was very moderate for this type of property, at this location.

He said that it was of vital importance to note that the last valuation carried out on this property was in 1958 and that two of the buildings plus others were not valued. If a valuation

had been carried out between 1958 and the present valuation, these unvalued properties would have been valued.

He then referred to his comparisons:

No 4.1 and 4.2, Conway's, is on the Lucan Road. He had only included these two comparisons but there was, he said, a third comparison which is a car sales yard which takes up the whole frontage of the two comparisons given. This is leased to a third party, a car dealer. The buildings are poor buildings.

Comparison No 4.3, Crewglade Ltd., T/A Tara Co Op, is a redevelopment site. The buildings thereon are totally dilapidated buildings with eaves height of 2.3 metres. It is located half way between Lucan and Leixlip and has a valuation of only €40 per sq. metre. It is much poorer than blocks 6 and 7 in the subject property.

Comparison No 4.4, Michael Hallinan. This is much poorer than the subject property with an entrance which is full of potholes. It is not in Lucan Village but is on the Leixlip Road, a distance away.

Comparison No. 4.5, Dormevale Ltd., has a good profile, is an old building and was part of an old factory on the site of an old woollen mill. It's valued at €90 per sq. metre and is not a great building.

Comparison No 4.6, Irish Trader Limited, is in Hills Industrial Estate on the Lower Lucan Road. This is also valued at €90 per sq. metre.

His final two comparisons, No's. 4.7 and 4.8, are modern buildings with poor access. The valuation set on them is €150 per sq. metre. These are modern and substantial.

To sum up he said that the levels adopted by him on the appellant's property are pretty moderate for these types of units.

Cross examined by Mr. McDonald he agreed that these premises would not be suitable for anyone using large articulated trucks. He referred to one photograph in this précis showing the appellant's 5 ton truck in the yard.

Mr. McBride in reply to a question regarding his comparison No. 4.4, Tara Co Op, said that it had a single skin asbestos roof with an eaves height of 4.1 metres. This building in his view would be of the same quality as the subject premises. It is, he said, totally enclosed and has no windows. He said that the access was poor and there were no services attached. They are very poor buildings. It is a redevelopment site. He said that this property is suitable for a large industrial development but Mr. Cromer's yard was only suitable for small service industries.

### **Findings**

The Tribunal has carefully considered all of the oral and written evidence produced by the parties and the arguments adduced at the hearing and makes the following findings which are relevant to the subject property.

1. There is hidden and very restricted access to the property. The entrance is not suitable for large lorries, tractors, etc., and this is a major drawback to the property.
2. There are two established rights of way over the said property, one to the appellant's dwelling house at the rear of the said property and marked "O" on the map referred to above and the other to a cottage in the yard marked "N" on the said map (at Appendix 2). This negates any major development of the said property. Security is also a major factor in relation to the said property.
3. The premises is, with the exception of two units, old, in poor condition and scattered all over the yard.
4. The premises have little or no profile to the roadway and to the village of Lucan.
5. The appellant accepted the valuation on blocks 1, 2 and 6, a and b.
6. The open fronted buildings, blocks 9a, 9b and 9c, are not secure.
7. The premises are situate in the village of Lucan, an area of heavy traffic.
8. There is only one small toilet in the yard for the use of all users of the said yard.

In these circumstances the Tribunal determines a fair and equitable valuation on the said premises as follows:



<b>Block</b>			<b>Total</b>
1 & 2	44.9 sq. metres@	€60 per sq. metre	€2,694
3 & 4	31 sq. metres@	€55 per sq. metre	€1,705
5	194.5 sq. metres@	€50 per sq. metre	€9,725
6	102.8 sq. metres@	€60 per sq. metre	€6,168
7	166.5 sq. metres@	€50 per sq. metre	€8,325
8	77.2 sq. metres@	€10 per sq. metre	€772
9	196.5 sq. metres@	€10 per sq. metre	<u>€1,965</u>
Total			€1,354

Say €1,350.

And the Tribunal so determines