

Appeal No. VA16/4/023

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

Macroom Motor Services Ltd T/A Lehane Motors

APPELLANT

and

Commissioner of Valuation

RESPONDENT

In Relation to the Issue of Quantum of Valuation in Respect of:

Property No. 1040393, Showroom, At Unit 1, Touchdown Business Park, Cork City Extn, Ballycurreen, Lehenagh, Cork Lower, County Cork.

**JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 18TH DAY OF APRIL, 2017**

BEFORE:

Rory Lavelle – M.A., FRICS, FSCSI, ACI, Arb

Deputy Chairperson

Frank Walsh- QFA, Valuer

Member

Dairine Mac Fadden – Solicitor

Member

By Notice of Appeal received on the 2nd day of December, 2016 the Appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of €688 on the above described relevant property on the grounds as set out in the Notice of Appeal as follows:

"The valuation is excessive having regard to the values of similar properties within the local authority area."

The Tribunal, having examined the particulars of the property the subject of this appeal; having confirmed its valuation history; having examined and considered the written evidence and having heard the oral evidence on the 10th day of March, 2017 adduced before us by Mr. John Algar on behalf of the Appellant, who contended for a rateable valuation of €650, and Mr. James Costello on behalf of the Respondent to the appeal,

DETERMINES

That the net annual value of the subject property be as set out below:

Decrease

Use	Area(sq.m)		€/per sq.m	NAV
Car Showroom	773.12	x	€ 73.00	€56,437.76
Office	185.23	x	€ 50.00	€ 9,261.50
Workshop	1037.07	x	€ 35.00	€ 36,297.45
Mezzanine Office	416.45	x	€ 31.20	€12,993.24
Mezzanine Store	305.52	x	€ 13.67	€ 4,176.46
Car Spaces	98	x	€150.00	€ 14,700.00
			Total NAV	€133,866.41

Reducing Factor = Total NAV €133,866.41 x 0.5% = €669.33

RV Say = €669.00

The reasoning being

1. When valuing a property at revision the guiding principle is what is known as the “tone of the list”, as set out in Section 49(1) of the Valuation Act, 2001, which states, *“If the value of a relevant property (in subsection (2) referred to as the “first-mentioned property”) falls to be determined for the purpose of section 28 (4), (or of an appeal from a decision under that section) that determination shall be made by reference to the values, as appearing on the valuation list relating to the same rating authority area as that property is situate in, of other properties comparable to that property.”*
2. The Tribunal acknowledge that the parties had agreed areas and values on the offices, workshop, mezzanine office, mezzanine stores and car spaces. The only issue to be determined by the Tribunal was the value of the car showroom. The key point of disagreement between the parties was location and if an adjustment to the rate per sq. m of the showroom should apply.
3. The Respondent’s 2 comparisons, Keary’s of Cork, Kinsale Roundabout, Cork, Property Number 2183819 and Blackwater Motors Co, Bishopstown, Cork, Property Number 21040391 and the Appellant’s comparison Keary’s of Cork Ltd, Property Number 2173729 are all located on South Ring Road (N40).

4. The subject property is located on the Kinsale Road (N27), c.250 metres from the Kinsale Road Roundabout and the South Ring Road (N40) and c.5.5 km south of Cork.
5. The Appellant contended that the location of the subject property on the Kinsale Road (N27) lacked the profile of the Respondent's 2 comparisons which are located on the South Ring Road (N40).
6. The Tribunal finds the evidence as presented by the Appellant in relation to the National Road Authority particularly persuasive in this instance. During 2016 the average daily count of traffic on the Kinsale Road (N27) was 19,678 compared to the average daily count on the South Ring Road (N40) was 84,357, c. 4.5 times the number of vehicles. This data demonstrated the superior profile of showrooms located on the N40.
7. The Tribunal was persuaded by the Appellant's comparison Seaman Motor Showroom located on Forge Hill, c.1.5 km from Keary's and the subject property, the showrooms were valued at €61.50 per sq.m, whereas the 3 car showrooms on the N40 have all been assessed at €78.00 per sq.m. The Tribunal is satisfied that the subject property has a lesser profile than the showrooms on the N40, however it does have a significantly higher profile than Seaman Motor Showroom.
8. The Tribunal is satisfied that it would be more equitable and would not affect uniformity of tone of the List, to value the subject property showroom at €73.00 per sq.m.

And the Tribunal so determines.