

Appeal No. VA11/4/009

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

**Errancourt Traders Ltd.**

**APPELLANT**

**and**

**Commissioner of Valuation**

**RESPONDENT**

RE: Property No. 2173191, Garage/Filling Station, Shop, Yard at Lot No. 5/1, Ballon, Ballon, Carlow, County Carlow.

**B E F O R E**

**Niall O'Hanlon - BL**

**Deputy Chairperson**

**Mairead Hughes - Hotelier**

**Member**

**Thomas Collins - PC, FIPAV, NAEA, MCEI, CFO**

**Member**

**JUDGMENT OF THE VALUATION TRIBUNAL**

**ISSUED ON THE 27TH DAY OF APRIL, 2012**

By Notice of Appeal dated the 1st of November, 2011 the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of €27 on the above described property.

The grounds of appeal as set out in the Notice of Appeal are:

"The valuation is excessive in comparison to valuations appearing on the Valuation List."

The appeal proceeded by way of an oral hearing which took place in the offices of the Valuation Tribunal, Holbrook House, Holles Street, Dublin 2 on the 17th day of February, 2012. The appellant was represented by Mr. John Algar, B.Sc. (Property Valuation & Management), Bardon & Co. and the respondent was represented by Ms. Orla Lambe BSc, (Surveying), MIAVI, Valuer in the Valuation Office.

In accordance with the rules of the Tribunal, the parties had exchanged their respective précis of evidence prior to the commencement of the hearing and submitted same to this Tribunal. At the oral hearing, both parties, having taken the oath, adopted their précis as being their evidence-in-chief. This evidence was supplemented by additional evidence given both directly at the hearing and via cross-examination. From the evidence presented, the following emerged as being the facts relevant and material to this appeal.

### **The Property**

The subject property trading as Nolan Tyres and Texaco Filling Station, consists of a detached garage and shop with a filling station canopy and a courtyard to the front. In addition there are offices at ground and mezzanine levels, stores at ground and mezzanine levels, 3 containers and a yard. The main building consists of a garage and shop, and is constructed with concrete floors and part concrete walls (to c3m), with double skin metal clad walls overhead and a double skin metal deck roof supported on a steel frame. The eaves height in the garage was disputed. There are 4 electric roller doors to the front giving access into the garage. The garage is mainly used for tyre repair and storage. The shop area is fitted with tiled floors, smooth plastered walls and an acoustic tiled ceiling. The ground floor office in the garage is finished to the same specification with a carpeted floor. Water, drainage, electricity and telephone services are supplied and connected to the main building. The rear storage building is constructed with a concrete floor, concrete block walls to c2.44m with a corrugated iron roof overhead. There is a mezzanine storage area and 1 roller shutter door to the front of the building. There is only electricity supplied to this building. There is also a tyre yard at the rear of the property enclosed by palisade fencing. There are 3 storage containers on the property.

**Location**

The subject property, is located on the N80 which is the main Carlow to Bunclody Road in Ballon village, Co. Carlow.

**Tenure**

The property is understood to be held freehold.

**Accommodation**

The agreed accommodation, measured on a gross external area (GEA) basis, is as follows:

<b>Main Building</b>	<b>Area sq. metre</b>
Garage	318.85 sq. metres
Offices	79.90 sq .metres
Shop	117.93 sq .metres
Store	33.98 sq. metres
Mezzanine Store	203.10 sq. metres
Mezzanine Office	40.32 sq. metres
<b>Rear Building</b>	<b>Area sq. metre</b>
Store	378.82 sq. metres
Mezzanine Store	232.32 sq. metres
Container 1	29.04 sq. metres
Container 2	29.04 sq. metres
Container 3	29.04 sq. metres
Yard	983.13 sq. metres

## Valuation History

The valuation history as presented by Ms Lambe on behalf of the respondent was as follows:

- 2004: The property was initially revised and a valuation of €164.00 was entered on the Valuation List.
- 2010: The property was listed for revision by Carlow County Council to include extensions to the property.
- December 9<sup>th</sup> 2010: A Draft Certificate was issued at RV €227.00
- January 5<sup>th</sup> Representations were lodged to the Commissioner of Valuation and no change was made.
- December 20<sup>th</sup> 2010: A final certificate was issued at RV €227.00.
- February 2<sup>nd</sup> 2011: An appeal was submitted to the Commissioner of Valuation and following consideration the rateable valuation was unchanged.
- November 2011: The appellant appealed this decision to the Valuation Tribunal by Notice of Appeal dated 1<sup>st</sup> November 2011.

## Appellant's Case

Mr John Algar took the oath and adopted his précis as his evidence-in-chief. Mr. Algar provided the Tribunal with a review of his submission which included the following points regarding the subject relevant property:

1. He does not dispute any other elements of the valuation calculated by the Revision Officer, with the exception of the new rear storage building which shall be referred to heretofore as the subject property. He is in agreement with the Revision Officer with regard to the valuation of the main building and it is the new rear storage building that is in contention.

2. The subject property is located a further 30 metres back from the main road. It consists of a ground floor and mezzanine area and is used for storage.
3. This building is serviced with electricity only, in contrast to the main garage building which has full mains services.
4. The eaves height of the new building is 5.2m while the garage is 7.45m. The additional eaves height of the main garage building enables Nolan Tyres to carry out work on large trucks and tractors.
5. There is limited access to the subject property, consequent on its location at the rear of the site and the existence of 1 access door only, unlike the main garage building which has 4 vehicular doors enabling vehicles to drive through the garage.
6. Taking the above into consideration, the subject building is not suitable for use as a garage or tyre centre and is limited to storage use.
7. The construction of the subject property is slightly inferior, in that it has a single skin metal deck roof in contrast to the garage which has a double skin metal deck roof which has been sprayed internally with insulation.
8. The subject property does not have toilet facilities.

Mr. Algar contended that the subject property is not as valuable as the front garage, which he maintains has a vastly superior profile from the main road, better services, higher eaves height and additional roller doors facilitating access for 3 vehicles simultaneously. He also stated that the 3 steel containers which are located at the front of the new store, are temporary, not fixed to the ground and are used to store animal feed.

Mr. Algar proposed the following valuation:

Original Valuation					€32,800
<b>Rear Building</b>					
Store	378.82 sq. metres	@	€17.09per sq. metre	=	€ 6,474
Mezzanine Store	232.32 sq .metres	@	€3.42 per sq. metre	=	€ 795
Container 1	29.04 sq. metres	@	€3.42 per sq. metre	=	€ 99
Container 2	29.04 sq. metres	@	€3.42 per sq. metre	=	€ 99
Container 3	29.04 sq. metres	@	€3.42 per sq. metre	=	<u>€ 99</u>
Total					€40,366

€40,366 @ 0.5% = €201.83

RV Say €200

### **Appellant's Comparison Properties**

Mr. Algar gave examples of three comparison properties:

1. The 2004 revision of Nolan Tyres Ballon Co. Carlow/Errancourt Traders Ltd.
2. Ballon Meats, Ballon, Co.Carlow.
3. Millstream Recycling, Glebe, Ballon, Co. Carlow.

Mr. Algar submitted that Comparison No. 2 is valued as follows:

Valuation			€500.00
Factory and Chill Rooms	Valued	@	€30.75 per sq. metre
Warehouse	Valued	@	€20.50 per sq. metre

Mr. Algar advised that the eaves height of the factory is circa 7 metres while the eaves height of the warehouse is circa 5 metres and that the warehouse is valued 33.3% lower than the factory.

The Consultant Valuer stated that the third comparison property, Millstream Recycling, comprises a warehouse and portacabin office and is valued as follows:

Valuation			€188.00
Warehouse	Valued	@	€17.08 per sq. metre
Portacabin Office	Valued	@	€23.92 per sq. metre

### **Cross-Examination of the Appellant**

In response to questions put by the Tribunal and Ms. Lambe, Mr. Algar advised or confirmed that:

1. If signage were put on the subject property it would have limited visibility and therefore this building has a reduced profile compared to the main garage.
2. There is a ladder type stairs going up to the mezzanine area in the subject property.
3. The subject property is serviced with electricity only.

4. The subject property has only one door. Mr Algar contended that workshop should have more than one door.
5. The subject property has a superior location to comparison property 2 (Ballon Meats).

### **Respondent's Case**

Ms. Orla Lambe took the oath and adopted her précis as her evidence-in-chief. The location and floor areas of the subject property were common case.

Ms. Lambe outlined the basis of the valuation on the subject property, which she advised was determined by reference to the values of comparable properties appearing on the Valuation List for the Carlow County Council area. The rateable valuation was assessed at 0.50% of the Net Annual Value (NAV), which is in line with the basis adopted for the determination of other revised properties in the same rating authority as the subject. The subject property was listed for revision in 2010 to take account of an extension.

Ms. Lambe advised that the subject building is of similar construction to the main garage building. She stated that she valued this building as a workshop, in the same way as the main building. She added that the profile of the subject property was not an issue as it is not a retail building.

Ms. Lambe proposed the following valuation for the subject property:

<b>Property</b>	<b>Sq. metres</b>		<b>€per sq. metre</b>	<b>NAV</b>
Shop	117.73	@	€8.34	€8,018.80
Store	33.98	@	€4.67	€1,637.13
Ground Floor Office	79.90	@	€4.67	€4,368.12
Workshop	318.85	@	€7.33	€8,714.50
Loft	203.10	@	€ 6.83	€1,387.20
Offices	40.32	@	€11.00	€1,653.12
Portacabin Store	4.50	@	€13.67	€ 61.51
Compound Yard	983.12	@	€ 1.27	€1, 248.56
Workshop	378.92	@	€7.33	€10,353.15

Workshop Mezzanine	232.32	@	€ 6.83	€ 1,586.74
3x Steel Containers	87.12	@	€ 6.83	€ 595.02
Throughput (428,000 Gallons).		@	NAV	€ 5,750.00
<b>Total</b>	<b><u>2479.46</u></b>			<b><u>€45,373.87</u></b>

Rateable Valuation = Total NAV €45,373.87 x .005 = €226.86, Rounded €227

### **Respondent's Comparison Properties**

Ms. Lambe's comparison properties were:

1. The 2004 revision of Errancourt Traders Ltd.
  2. John Nolan, Ballon, Co. Carlow
  3. Redmond Civil Engineering Ltd., Lackabeg, Clonegal and Enniscorthy Co. Wexford
1. The subject property was valued at RV €164 in 2004 prior to the extension in 2010. The figures as presented by Ms Lambe on behalf of the respondent were as follows:

<b>Property</b>	<b>sq. metres</b>	<b>€per sq. metre</b>	<b>NAV</b>
Shop	117.33	€8.34	€8,018.80
Store	29.95	€4.67	€1,637.13
Ground Floor Offices	79.90	€4.67	€4,368.13
Workshop	318.85	€7.33	€8,714.50
Loft	203.10	€ 6.83	€1,387.20
Portacabin Store	4.50	€13.67	€ 61.51
First Floor Offices	40.32	€41.00	€1,653.12
Compound Yard	983.12	€ 1.27	€1,248.56
Throughput (428,000 Gallons)		NAV	€5,750.00
<b>Total</b>	<b><u>1,777.07</u></b>		<b><u>€32, 838.95</u></b>

Rateable Valuation = Total NAV €32, 838.95 x 0.005 = €164.19, Rounded to €164



The property was listed for revision in 2010 to take account of an extension. The property was initially revised in 2004 and the levels from the 2004 revision were applied to the 2010 valuation. Ms. Lambe referred to and quoted the findings of **VA09/3/005 – Centocor Biologics Ltd.**, wherein the levels applied to the workshops in the 2004 revision were also applied to the completed workshop in the 2010 revision, and advised that a similar approach has been adopted for the valuation of the subject property.

2. This comparison property consists of a garage/filling station situated in the village of Ballon on the N81. The property is situated to the rear of a domestic building. Ms Lambe presented the following figures in respect of the valuation of this comparison:

<b>Property</b>	<b>sq. metres</b>	<b>€per sq. metre</b>	<b>NAV</b>
Office	40.70	€54.67	€2,225.06
Workshop	107.30	€7.33	€,932.50
Ground Floor Store	264.00	€13.67	€3,608.88
Loft	264.00	€6.83	€1,803.12
Tanks - Capacity 3000 gallons (Sales/throughput)			€3,175.00
Domestic			<u>€3,000.00</u>
Total			€16,744.56

Rateable Valuation = Total NAV €16,744.56 x .005 = 76.18 (Rounded) (*sic*)

3. Redmond Civil Engineering Ltd., Lackabeg, Clonegal, Carlow.

This property is situated c1km north of Kildavin village on the Carlow to Bunclody. It consists of an industrial unit and is finished to a good standard of specification. Ms Lambe presented the following figures in respect of the valuation of this comparison:

<b>Property</b>	<b>sq. metres</b>		<b>€per sq. metre</b>	<b>NAV</b>
Ground Floor Offices	110.87	@	€41.00	€4,545.33
First Floor Offices	107.31	@	€41.00	€4,398.01
Store	367.92	@	€25.40	€9,344.66
Mezzanine	91.98	@	€10.25	€ 942.34
Garage	110.87	@	€25.40	€2,815.59
Container/Stores	29.65	@	€13.67	€ 405.13
Concrete Yard	135.00	@	€ 2.73	€ 368.30
Concrete Yard	350.00	@	€ 2.73	<u>€ 956.31</u>
<b>Total</b>	<b>1,303.60</b>			<b>€23,775.67</b>

Rateable Valuation = €23,775.67 x .005 = €118.87, Rounded to €119

### **Cross-examination of the Respondent**

In response to questions posed by the Tribunal and the appellant, Ms. Lambe stated the following:

1. Profile may be an issue if there were a retail business in the subject property.
2. Both the main garage and the subject building would be suitable locations for selling tyres.
3. She accepted Mr Algar's estimation of eaves height for the subject property of 5.2m, but did not agree with his estimation of eaves height for the main garage of 7.5m. She advised that her estimation of eaves height was 6.6m. She did not accept that the main garage was a superior property on the basis of eaves height and advised that there was only a difference of 1.5m between the main garage and the subject property.
4. There is no difference between a loft and mezzanine store.
5. In her opinion it is not essential for a workshop to have full services.
6. She did not inspect Comparison property No 2 (.John Nolan, Ballon, Co.Carlow) and she could not comment on the eaves height of this property. The subject property has a better standard of construction compared to this property.
7. She did not inspect Comparison property No 3 (Redmond Civil Engineering Ltd.) but stated that the subject property had a less favourable profile.
8. Not every workshop would have three or four doors. This depends, on for example, the size of the building.

### **Summation by the Appellant**

Mr. Algar concluded by stating that the Revision Officer has not reflected the inferior status of the subject property in her valuation with regard to:

- Profile
- Access
- Eaves height
- Services

He asked that these factors would be taken into consideration.

### **Summation by the Respondent**

Ms. Lambe stated that the subject property is a workshop currently used for storage. She advised that it is fit for purpose and referred to the levels applied to her comparison properties which are similar to the subject.

### **Findings and Conclusions**

The Valuation Tribunal thanks the parties for their efforts, their written submissions, arguments and contributions at the hearing and finds as follows:

1. The evidence submitted by the appellant regarding the factors impacting on the rateable valuation of the subject relevant property, namely its construction, eaves height, profile, access, limited services and limited usage options, is accepted by the Tribunal.
2. There is a difference in means of access to the loft in the main building, which is by means of a steel stairwell, and to the mezzanine in the subject property, which is by means of a ladder. This limits the use of the subject property in contrast to the main building where there are offices located in the loft area.
3. The subject property is classified as a store.

### **Determination**

The foregoing considered, the Tribunal determines that the levels per sq. metre assessed on the property should be adjusted to €17.09 per sq. metre for the store, €3.42 per sq. metre for the mezzanine store and €3.42 per sq. metre for each container. Accordingly, the valuation is

computed as follows:

Original Net Annual Value (2004 Revision)			€2,838.95
Rear Building:			
Store	378.82 sq. metres @ 17.09 per sq. metre		€ 6,474.03
Mezzanine Store	232.32 sq. metres @ 3.42 per sq. metre	=	€ 794.53
Container 1	29.04 sq. metres @ 3.42 per sq. metre	=	€ 99.32
Container 2	29.04 sq. metres @ 3.42 per sq. metre	=	€ 99.32
Container 3	29.04 sq. metres @ 3.42 per sq. metre	=	<u>€ 99.32</u>
Total NAV			€40,405.47

€40,405.47 @ 0.5% = €202.03

RV Say €202

And the Tribunal so determines.