

Appeals Nos. VA14/5/403  
& VA14/5/405

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

**Allianz Corporate Ireland PLC**  
**Commissioner of Valuation**

and

**APPELLANT**  
**RESPONDENT**

**In relation to the issue of Quantum of Valuation in respect of:**

Property No. **2199137**, Office, Floors -1, 0, Block B, Elm Park, Ballsbridge, County Borough of Dublin; and Property No. **5004850**, Office, Block B, Elm Park, Ballsbridge, County Borough of Dublin.

**JUDGMENT OF THE VALUATION TRIBUNAL**  
**ISSUED ON THE 25<sup>th</sup> DAY OF NOVEMBER, 2015**

BEFORE:

**Rory Lavelle – MA, FRICS, FSCSI, ACI Arb**

**Deputy Chairperson**

**Frank O Donnell – FRICS, B Arg Sc, MIREF**

**Member**

**Frank Walsh – QFA, Valuer**

**Member**

By Notice of Appeal received on the 3<sup>rd</sup> day of September, 2014 the Appellant appealed against the determination of the Commissioner of Valuation in fixing net annual values, respectively, of €1,896,000 on Property No. 2199137 and of €84,000 on Property No. 5004850, on the grounds as set out in the Notice of Appeal as follows:

*"Building overvalued. Comparisons of similar buildings in out of town locations. V.O have not made allowance for location - Evidence of similar adjacent buildings of relevant date both letting & available" (Property No. 2199137).*

*"Tone/Location" (Property No. 2199137).*

*"Spaces over valued in relation to location and direct comparisons in area – different between levels on main spaces and stacker spaces incorrect" (Property No. 5004850).*

*"[D]ifference between surface level + stacker spaces in the Dublin market" (Property No. 5004850).*

The Tribunal, having examined the particulars of the properties the subjects of these appeals; having confirmed the valuation history of each; having examined and considered the written evidence and having heard the oral evidence adduced before us on the 10<sup>th</sup> day of September, 2015 by Mr Magnus Agnew FSCSI FRICS FCI Arb, Dip. Arb Law of Quinn Agnew Property Consultants for the appellant and by Ms Roisín Casey BSc Real Estate of the Valuation Office for the respondent,

## **DETERMINES**

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

€1,151,000 (Property No. 2199137)

€33,600 (Property No. 5004850)

## **Findings:**

- The agreed floor areas/ number of car spaces for the respective subject properties are as follows:

### **Property No. 2199137** ('the principal property'):

<b>Level</b>	<b>Use</b>	<b>Area (sq. metres)</b>	<b>No of Car Spaces</b>
0	Offices	7,079	
0	Store	533.35	
-1	Car Spaces		37
-1	Stacker Car Spaces		38

### **Property No. 5004850:**

<b>Level</b>	<b>Use</b>	<b>No of Car Spaces</b>
-1	Car Spaces	30
-1	Stacker Car Spaces	6

- Elm Park Business Campus has additional Estate Service costs of €10.80 per sq. metre.
- Elm Park is situated on a 19 acres business park with four large office buildings, restaurant, café and residential accommodation with shared heating systems.
- The Appellant contended that the subject building is disadvantaged by a shared heating system.
- The location of the property is approximately seven km from the city centre.

- The Commissioner of Valuation assessed the office space of the principal property at a valuation level of €240 per sq. metre to arrive at a NAV of €1,896,000 following first appeal stage. This was reduced by him at Tribunal hearing stage to a level of €200 per sq. metre, with reductions also to €1,000 per car space from €2,500 and to €600 per stacked car space from €1,500 to give a NAV from the Respondent at the Tribunal hearing of €1,515,000.
- The Appellant was the only office occupier within the business campus at the relevant valuation date 7<sup>th</sup> April 2011.
- The Respondent relied on seven items of market information in arriving at his NAV for the subject property, with only Bank of Ireland Finance, 2 Burlington Plaza, 6 Burlington Road, Dublin 4 (Informer 4) of similar size to the subject property.
- The Respondent also relied on five ‘equity and uniformity’ comparisons all located in Ballsbridge and all significantly smaller than the subject property.
- The Appellant put forward four comparisons from the list in Eastpoint Business Park, these being third generation offices, a bank, a gym and a shop with controlled access showing levels between €110 and €140 per sq. metre. This is stepped down from €240 per sq. metre in the IFSC and €170 per sq. metre in Castleforbes.
- The Appellant estimated a NAV on the Notice of Appeal to this Tribunal of €1,071,800; the figure contended for before the Tribunal was €1,047,600, applying €140 per sq. metre to the offices, €500 per car space and €300 for the stacked spaces.
- The Appellant particularly referred to the outer suburban location and business park environment of the subject properties, to the fact that Ballsbridge comparisons are better located, do not pay service charges and benefit from air-conditioning and contended that an allowance for quantum should be made against smaller comparisons.
- The Appellant provided open market comparisons and ‘tone of the list’ evidence and comparisons on the periphery of the Dublin City Rating Authority Area.

#### **REASONS FOR THE DETERMINATION:**

- The Tribunal accepts that the principal property, located at Elm Park Business Campus, should be categorised as Business Park Offices. Further, the Tribunal is persuaded that this is an outer suburban location.
- The open market rental evidence referring to Novartis Ireland Limited, which is situated within the same business campus, was particularly persuasive as to what a hypothetical tenant would pay for a building of that size and location at the relevant date.

- The Appellant's open market rental evidence of Paddy Power's building in Belfield Office Campus, located in Dún Laoghaire-Rathdown, was useful in establishing what a hypothetical tenant would pay by way of rent in accordance with Section 48.
- The Tribunal finds the Respondent's Informer 4 (Bank of Ireland Finance, 2 Burlington Plaza, 6 Burlington Road, Dublin 4) to be compatible with the principal property in size only; however, it is located some distance from the principal property and in an established office location.
- The Tribunal is persuaded by the Appellant's arguments in relation to Eastpoint Business Park, the relevance of comparisons that are substantially smaller than the principal property and that allowance should be made for service charges, the nature of the scheme and the outer suburban location.
- The Tribunal accepts the Respondent's valuation on the car parking which was reduced at Tribunal stage from €2,500 to €1,000 for standard car spaces and from €1,000 to €600 for stacker car spaces.
- Based on the evidence submitted the Tribunal is persuaded by the levels put forward by the Appellant with adjustments.
- Accordingly the Tribunal reduces the valuation of the subject properties, respectively, to €1,151,000 for Property No. 2199137 and to €33,600 for Property No. 5004850, assessed as follows:

**Property No. 2199137:**

Offices	7,079 sq. metres	@ €150 per sq. metre =	€1,061,850.00
Basement			
Stores	533.35 sq. metres	@ € 55 per sq. metre =	€ 29,334.25
Basement car spaces	37	@ €1000 =	€ 37,000.00
Stacker car spaces	38	@ € 600 =	<u>€ 22,800.00</u>
			€1,150,984.00
<b>Say:</b>			<b>€1,151,000.00</b>

**Property No. 5004850:**

Basement car spaces	30	@ €1,000 =	€30,000
Stacker Car Spaces	6	@ € 600 =	<u>€ 3,600</u>
<b>Say:</b>			<b>€33,600</b>

And the Tribunal so determines.