

Appeal No. VA88/0/357

AN BINSE LUACHÁLA
VALUATION TRIBUNAL
AN tACHT LUACHÁLA, 1988
VALUATION ACT, 1988

Surefire Coal Ltd

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: 121 C Chapelizod County Borough of Dublin

B E F O R E

Hugh J O'Flaherty

S.C. Chairman

Paul Butler

Barrister

Mary Devins

Solicitor

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 20TH DAY OF DECEMBER, 1988

By notice of appeal dated 26th August, 1988, the appellant company appealed against the determination of the Commissioner fixing the rateable valuation of the above mentioned hereditament at £60.

The hereditament in question consists of a gravel yard at circa 6770 square metres, situated close to Chapelizod Bridge, Dublin and held by the appellants, Surefire Coal Ltd., under a lease for a term of 2 years 11 months from November 1986, subject to an annual rent of £11,500.00. The property was listed by Dublin Corporation for revision in 1978, and a rateable valuation of £60 was determined. The property was valued as a "coal-yard".

Mr. Brendan J. Walsh, ARICS, on behalf of the appellants, by written submission dated 5th December, 1988, set out several disadvantages in relation to the property among which were the following, viz;

- (a) The site is located below the level of the main Chapelizod Road and the only means of access is by a single, narrow, steep incline. Large vehicles heading in a westerly direction must first travel some distance eastwards towards the city before they can safely turn and head back towards the west.
- (b) Because of the site's location below the level of the main road, the risk from intruders is high and a 24 hour security system is essential.
- (c) The property is held only on a short-term lease, viz; 2 years 11 months.

In the course of the oral hearing, which took place on the 5/12/88 Mr. Walsh elaborated on his written submission and pointed out that the appellants had been served with an enforcement notice by the planning authority and were, in fact, leaving the premises almost immediately.

Mr. Patrick F. Cooney, B.Agr.Sc., a Valuer with 15 years experience in the Valuation Office, presented the case on behalf of the respondent.

He referred to the annual rent of the property at £11,500.00, and pointed out that the rateable valuation of £60 was a fair, indeed favourable percentage of the net annual value, viz; 1/191. Certain comparables were furnished by Mr. Cooney to illustrate this point and these are reproduced and appended hereto. (Appendices 1A-1D)

In relation to the alleged disadvantages attached to the property, Mr. Cooney pointed out that all of these had been taken into account by the respondent and that an initial estimated R.V. of £90 had been reduced by $33\frac{1}{3}\%$, resulting in the determined figure of £60.

In relation to the problems of security, Mr. Cooney pointed out that security is a "city-wide problem" and that this site is actually more secure than most.

The Tribunal is conscious of the fact that the appellants entered into a short-term lease, knowing the disadvantages of the site and were, nonetheless, prepared to pay an annual rent of £11,500.00.

It also takes note of Mr. Cooney's evidence relating to comparable properties and the percentage of R.V. vis-s-vis N.A.V.

In all the circumstances the Tribunal has come to the decision that the rateable valuation of £60, as determined by the respondent, is correct.