

Appeal No. VA90/2/005

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

**Bank of Ireland, Fairview**

**APPELLANT**

**and**

**Commissioner of Valuation**

**RESPONDENT**

RE: Bank and yard at Lot No. 3,4 Fairview, Clontarf West D, County Borough of Dublin  
Quantum - Comparisons

**B E F O R E**

**Paul Butler**

**Barrister Chairman**

**Mary Devins**

**Solicitor**

**Padraig Connellan**

**Solicitor**

**JUDGMENT OF THE VALUATION TRIBUNAL**  
**DELIVERED ON THE 15TH DAY OF OCTOBER, 1990.**

By notice of appeal dated the 9th day of July 1990, the appellants appealed against the determination of the Commissioner of Valuation in fixing the rateable valuation of £220 on the above described hereditament.

The grounds of appeal as set out in the notice of appeal are that the valuation of £220 is excessive and inequitable having regard to the provisions of the Valuations Acts, and on other grounds also.

**Description of the property**

The subject property is located opposite Fairview Park at the junction of Fairview Strand and Annesley Bridge Road. It is a purpose built two storey bank. The front portion of the building is constructed with dressed granite block walls to 1st floor level and brick faced to front elevation at the first floor level. There is a columnated entrance, a pitched slate roof with copper flashing and timber framed windows. Walls and ceilings are plastered and painted internally and headroom on the ground floor is c. 13 ft while the headroom on the 1st floor is c. 10 ft. There is a single storey extension which is constructed with concrete block walls rendered externally, concrete floor, timber framed casement window and flat asphalt covered concrete roof. All main services are connected to the building.

**Valuation history**

The premises was constructed in 1952 on the site of two old houses and the rateable valuation was assessed in 1953 at £210 which was subsequently reduced to £200 following an appeal.

In 1989 the premises was listed by the local authority following minor extensions to the ground floor and the conversion of the domestic accommodation on the 1st floor to office use. The valuation was fixed at £250. The appellant was aggrieved by this revision and appealed to the Commissioner of valuation. The Commissioner reduced the valuation to £220.

**Submissions**

A written submission was received on behalf of the appellants from Mr Thomas F. Davenport ARICS, Lisneys on the 12th September, 1990. Mr Davenport outlined the accommodation of the premises as follows:

Ground Floor (sq ft)

Front office (former banking hall)	1,067	
Managers office (partitioned off corridor)	120	
Strong room	162	
Files store	86	
Rear office/store	253	
Kitchen		155
Store	61	
<b>Total net area at ground level</b>	<b>1,904</b>	

First Floor

Front office	439	
Front office	328	
Rear office	240	
Rear office	238	
<b>Total net area at first floor level</b>	<b>1,245 sq ft</b>	

Mr Davenport said that the ground floor is currently undergoing alterations and he understands that it is intended to use the premises as a training centre for staff. He said that in his opinion the property suffers from the following disabilities:-

(a) Inadequate car parking

The property is situated on a very busy junction and consequently on street car parking facilities in the immediate vicinity are severely limited.

(b) Location

In recent years this section of Fairview has diminished as a retail location and this is evidenced by the fact that a number of retail units have closed down and have reopened as offices which would not be wholly dependent on passing trade. The ground floor section of the subject property is now vacant. The bank have closed down this branch since April 1988 and in a rationalisation move, the branch has been amalgamated with the branch premises at Marino.

(c) Design and layout

The property suffers from the fact that because of its construction, design and layout, it has limited alternative uses. The premises in its existing state can only be used for office purposes and could not be utilised as a retail unit. The expenditure required to convert the premises into a retail unit would be considerable and having regard to the letting values within the area would also be uneconomic. The net annual value of the subject premises is effected by its limited use as an office user.

(d) Planning constraints

Under the existing planning legislation, a banking hall is regarded as an office user rather than a retail user and it is quite likely that the planning authority would impose severe planning restraints relating to the facade of the building in the event of a planning application being made for a change from its existing use.

Mr Davenport attached a number of comparisons as follows:-

1. Brighton House, 29 Fairview Strand, Dublin 3,
2. 11, Fairview Strand, Dublin 3,
3. Gunne Estate Agents, 13/15 Fairview,
4. Xtra Vision, 13/15 Fairview,
5. 167, Lower Drumcondra Road,

6. The Telephone Man, 42A Fairview Strand, Dublin 3 and
7. R.T.V. Rentals, 9 Fairview, Dublin 3.

The details of these comparisons as supplied are attached as Appendix "A".

Mr Davenport said that in his opinion the following was the net annual value and the rateable valuation of the premises:-

### **Net Annual Value**

In the absence of an actual rent, and having regard to the comparisons supplied, Mr Davenport estimated the net annual value as follows:

#### Ground Floor

Vacant Offices	1,067 sq. ft. @ £10 p.s.f.	£10,670
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Rear offices/strong room/

Kitchen	837 sq. ft. @ £5 p.s.f.	£ 4,185
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#### First Floor

Offices	1,245 sq. ft. @ £4 p.s.f.	£ 4,980
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<b>Total</b>		<b>£19,835</b>
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<b>Say</b>		<b>£20,000</b>
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### **Rateable Valuation**

Mr Davenport said that it would appear that the appropriate factor to apply to properties within Fairview to translate from N.A.V. to R.V. is 0.63%. Thus his estimate of rateable valuation is as follows:

Net annual value £20,000 x 0.63% = R.V. £126.

A written submission was received from Mr Patrick Conroy a valuer with 16 years experience in the Valuation Office on the 12th September, 1990 wherein Mr Conroy outlined the valuation history of the property and commented on the appellants grounds of appeal. Mr Conroy made reference to a letter wherein the appellants agent indicated that he would recommend to his clients the proposed reduction of the valuation from £250 to £220. He said there had been no material change since that date, the 12th April, 1990. Mr Conroy outlined the accommodation of the premises as follows:-

Ground Floor

Porch, banking chamber	1,242 sq. ft.
Strong rooms	162 sq. ft.
Offices	548 sq. ft.
Canteen, computer room, store	<u>236 sq. ft.</u>
Agreed total net lettable area (passages, hall etc. 595 sq. ft. excluded)	2,199 sq. ft.

First Floor

Three offices	986 sq. ft.
Kitchen, store	<u>236 sq. ft.</u>
Agreed total net lettable area (passages and toilets, 403 sq. ft. excluded)	1,222 sq. ft.

(The discrepancy between the two valuers seems to relate to the entrance porch)

Mr Conroy says that the rateable valuation was assessed at .63% of the net annual value of the premises which was assessed by comparison with the net annual value of recently revised properties in the area. He attached a list of comparisons as follows:-

1. Lot 13.14 and 15/2 Fairview - Xtra Vision Limited
2. Lot 13.14 and 15/2 - P.B. Gunnes
3. 13.14 and 15/3 Fairview - not yet occupied
4. 62,64 St Brigidet's Road - Allied Irish Banks P.L.C.

5. Lot No. 21 Fairview - First National Building Society

A copy of the details submitted on these comparisons is attached at Appendix "B".

Using these comparisons Mr Conroy calculated the valuation as follows:-

Valuation Basis

**Ground Floor:**

Total net lettable area 2199 sq ft @ £12.25 psf = £26,937

**1st Floor:**

Total net lettable area 1222 sq ft @ £ 7.00 psf = £ 8,554

£35,491

Say net annual value £35,000 p.a. @ .63% = £220.50

R.V. £220

Alternatively

**Ground Floor:**

Zone A	820 sq. ft. @ £19 psf	£15,580
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Zone B	820 sq. ft. @ £ 9.50 psf	£ 7,790
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Zone C	559 sq. ft. @ £ 4.75 psf	<u>£ 2,655</u>
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£26,025

1st floor	1222 sq. ft. @ £7 psf	<u>£ 8,554</u>
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£34,579

Say net annual value £35,000 p.a.

@ .63% £220.50

R.V. £220

Mr Conroy said that the comparative information showed that rentals of £12.25 per sq. ft. overall on the ground floor should be achieved or Zone A rental of £19 per sq. ft. He said that comparison No. 3 shows a much larger area being let at £6.25 per sq. ft. for first floor accommodation. Comparison No. 4, he said, is an 1989 first appeal agreement of a similar bank size premises agreed at the same rate as the subject premises is assessed at.

### **Oral Hearing**

The oral hearing took place in Dublin on the 17th September, 1990. Thomas F Davenport ARICS of Messrs Lisney appeared on behalf of the appellant and Patrick Conroy a valuer with 16 years experience in the Valuation Office and a holder of a diploma in environmental economics, gave evidence on behalf of the respondent.

Mr Davenport's evidence was broadly in terms with his written submission above referred to. He emphasised that the ground floor of the premises is at present vacant and said that the first floor was used by the appellant's loans department. He thought that the net annual value should, in accordance with his written submission, be about £20,000 giving a rateable valuation of £126. He further made the point (in direct evidence and, later, while cross-examining Mr Conroy) that the porch of the premises should be considered as a passageway because there was no separate access to the first floor.

Mr Conroy's evidence was entirely in accordance with his written submission. He emphasised that the premises was neither a shop nor an office but a bank. Although not trading he said that the premises when he inspected them were fully equipped as a retail bank. He submitted that it was a matter for the appellant whether or not they should use the premises as a bank.



**Determination**

The Tribunal has had regard to the totality of the evidence and written submissions. It has disregarded a submission that agreement was reached with the appellants agent to reduce the valuation to £220 from £250 because, although the letter dated the 12th April 1990 exhibited at appendix A of Mr Conroy's submission does not express itself to be written upon a "without prejudice" basis, the same expressed the view that the writer would "recommend to our clients" the proposed reduction. The Tribunal is not impressed by the argument that the premises are not being used for retail banking and accepts the submission that this is entirely a matter for the appellant and that commercial considerations which had nothing to do with the appropriate rateable valuation could well apply.

Although the Tribunal accepts the appellants argument that the porch of the premises should be considered as a passage way, to do so would make no material difference to the rateable valuation and the Tribunal determines that the reduced valuation of £220 is appropriate.