

Appeal No. VA90/3/071

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

**Nicola & Emer Canning**

**APPELLANT**

**and**

**Commissioner of Valuation**

**RESPONDENT**

RE: Shop, yard and sm. gar. at 5 Ellison Street, Knockaphunta, U.D. Castlebar, Co. Mayo

**B E F O R E**

**Mary Devins**

**Solicitor (Acting Chairman)**

**Brian O'Farrell**

**Valuer**

**Veronica Gates**

**Barrister**

**JUDGMENT OF THE VALUATION TRIBUNAL**  
**ISSUED ON THE 14TH DAY OF MARCH, 1991**

By notice of appeal dated the 28th day of September, 1990, the appellants appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £32 on the above described hereditaments.

The grounds of appeal as set out in the notice of appeal are that the valuation is excessive, inequitable and bad in law.

### **The Property**

The property consists of a fitted out ladies fashion shop with a 15 foot frontage in Ellison Street. It consists of a display area with a small store separated from the shop by a steel partition. There is a small kitchen area and toilet at the rear. The premises consists of a shop of 793 sq. ft. with its width varying from 9½ foot to 14 foot.

### **Valuation History**

The property was first valued in 1858 at £11.25 on house, out offices, yard and garden. In 1984 the House, shop, yard and garden were valued at £26 buildings and £0.75 on the garden. At the subsequent appeal the buildings valuation was reduced to £18 as the upper floors were under reconstruction but abandoned due to a delay in the planning process. In 1989 Castle U.D.C. listed the hereditament for revision to " Value accountant's office (1st floor)". As a result the valuation was increased to £32 on revision. This was appealed to the Commissioner of Valuation who did not change the rateable valuation at first appeal stage. It was, therefore, against this £32 rateable valuation that the present appeal lies with the Tribunal.

### **Written Submissions**

A written submission was received on the 5th March, 1991 from Mr Patrick J. Nerney BE. Chtd. Eng. MIEI. MIAVI., Rateable Valuation Consultant, Valuer and Auctioneer on behalf of the appellants. Mr Nerney says that factors adversely affecting the value of the subject premises include the following:-

1. Shop is narrow, deep and irregular in shape.
2. Parking on street is prohibited.
3. Traffic density is concentrated on the adjacent two way section of street as a result of one way systems operating in streets nearby.

4. This is not a good business location.
5. First floor has been vacated and remains unlet. Second floor failed to let from the outset and former occupier of first floor was latterly permitted to use it at no extra rent until he vacated the entire and moved to another premises adjoining the public car park at Market Square.
6. Part of the town has been designated under an Urban Renewal Scheme.
7. Shop which operated as a boutique was geared initially towards the needs of customers in their late teens and twenties. Emigration and fall off in employment especially in Travenol which some years ago employed 700/800, mainly girls, forced occupiers to cater for more mature customers which in turn adversely affected business.

Mr Nerney said that he was unaware of the nature of the request for revision in this instance or if the U.D.C. specifically requested revision of the shop portion. He said the valuation of £32 may have determined by estimating a notional rent and applying a factor. He said that there is no consistency of RV/NAV relationship in the Urban District of Castlebar and that he was aware of two cases where the variation within the parts of the same buildings are 0.29% and 0.35% and 0.36% and 0.68% respectively.

A written submission was received from Mr Noel Lyons, B.Comm, a valuer in the Valuation Office on behalf of the respondent on the 5th March, 1991. In this Mr Lyons described the building and outlined the valuation history of the subject property. Mr Lyons said that the valuation is based on an estimate of net annual value which is being derived from evidence of open market rents on shops in the immediate vicinity. Commenting on the appellant's grounds of appeal, he said that the inspections by the valuers would support the occupiers contention that the shop has not changed since 1984 and that all improvements were made to the upper floors which are now separately rated. He said that trading in Castlebar has improved with the building and staffing with civil servants of "Davitt House" and also the earlier building of Travenol

Laboratories in 1974 and extended in 1979 and the additional spin off industries. He said that Ellison Street has a fair mix of retail premises and is a continuation of Market Street which is the main trading area in Castlebar. He said that in the seventies Travenol employed about 2,000 employees and that this was now around 300 to 400. He said that many of the employees would have been female which would affect all the retailing of ladies clothes equally, not alone in Castlebar but in surrounding towns as far away as Claremorris. Mr Lyons said that the rateable valuation of the shop has been calculated as 0.5% of an estimate of net annual value and he supplies four comparisons to support this relationship. Regarding rental evidence Mr Lyons says that the general level of rents for shops in Castlebar up to early 1989 was approximately £7.50 per sq. ft. to over £11.00 per sq. ft. depending on the size, location etc. He said that trends in rents has slowed down due to emigration in the past few years. Mr Lyons supplied four comparisons as evidence of the rent and he outlined his calculation of the rateable valuation as follows:-

Estimate of net annual value at November 1988

Shop 793 sq. ft. nett @ £8.00 per sq. ft. = £6,344 Say £6,350

**or**

Shop                      Zone A    297 sq ft @ £13.00 per sq ft = £3,861

Shop                      Zone B    297 sq ft @ £ 6.50 per sq ft = £1,931

Shop & store            Zone C    199 sq ft @ £ 3.25 per sq ft = £ 647

£6,349

**Say £6,350**

Estimate of NAV £6,350 x 0.5% = £31.75 **Say £32**

### **Oral Hearing**

At the oral hearing which took place in Galway on the 12th March, 1991, Mr Patrick J. Nerney, B.E. Cht. Eng. M.I.E.I., M.I.A.V.I., Valuer, appeared on behalf of the appellant. Mr Noel Lyons, B.Comm., Valuer with the Valuation Office, appeared on behalf of the respondent.

Mr Nerney referred to his written precis dated 1st March, 1991 and stated that while his estimate of weekly rent for the subject premises would be approximately £100 per week, he would not disagree to any great extent with the rental figures estimated by Mr Lyons.

He pointed out that when the property had last been valued in 1984 the valuation of £18 referred only to the ground floor, since, at that time, the 1st and 2nd floors were in the course of reconstruction. No change of any kind had been made to the ground floor since that time. He said that several factors adversely affect the property, some of which applied in 1984, others which have arisen in the interim. He cited, among others, the fall off in employment in the area and the resulting emigration, the awkward shape of the shop which is narrow, deep and irregular, the prohibition on street parking and the secondary business location.

He said that in the Castlebar area there is no consistency in RV/NAV relationships and disputed the percentage of .5 applied by Mr Lyons.

Mr Lyons referred to certain comparisons in his precis dated the 4th March, 1991 and stated that, in his opinion, the rest of the property would be in the region of £7 - £8 per square foot.

He referred to four other comparisons in support of his application of the 0.5% fraction to be applied to N.A.V.

Mr Lyons said that the street on which the property is located is mixed retail/office use and while not a prime location, is a continuation of Market Street which is the main trading area in Castlebar.

**Findings**

The Tribunal accepts Mr Nerney's evidence that there has been no change in the property since 1984 when it was last listed for revision. It notes too that Mr Lyons accepts this fact, together with the fact that when Castlebar U.D.C. listed the hereditament for revision in 1989, it was 'to value accountant's office (1st floor)'.

Considering the comparatively recent revision of 1984 and that there has been no change of any kind to the property since that time, (if anything, circumstances may have worsened), the Tribunal finds that the correct rateable valuation of the subject premises is £18.