

Appeal No. VA91/3/001

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

**Hugh and Ann Mc Donnell**

**APPELLANT**

**and**

**Commissioner of Valuation**

**RESPONDENT**

RE: Shop at Lot No. 95K, Rathcoole Shopping Centre, Town of Rathcoole, Belgard, Co. Dublin

**B E F O R E**

**Padraig Connellan**

**Solicitor (Acting Chairman)**

**Paul Butler**

**S.C.**

**Veronica Gates**

**Barrister**

**JUDGMENT OF THE VALUATION TRIBUNAL**  
**ISSUED ON THE 20TH DAY OF DECEMBER, 1991**

By Notice of Appeal dated 23rd day of September, 1991, the appellants appealed against the determination of the Commissioner of Valuation in fixing rateable valuation of £42.00 on the above described hereditament.

The grounds of appeal as set out in the Notice of Appeal are that "we are a very small business in a country village. Prior to and since the opening of The Square in Tallaght and the Lucan Centre together with vans selling vegetables locally our business has come under

desperate pressure to meet the running costs. The money for this further increase is not there".

### **The Property**

The subject property comprises of a single storey retail unit of 660 square feet in the Rathcoole Shopping Centre. The centre consists of a supermarket and 10 shop units and a carpark. The subject property consists of a Fruit and Vegetable Shop.

### **Valuation History**

The subject property was first valued in 1974 at which stage, following a first appeal the rateable valuation was fixed at £35.00. The subject property together with the other properties in the shopping centre were listed for revision in 1990 and the valuation was fixed at £52.00. Following first appeal the Commissioner of Valuation reduced the rateable valuation to £42.00. It is against this amount that the Appellant now appeals to the Tribunal.

### **Submissions**

Mr. McDonnell indicated that he was relying on his grounds as set out in the Notice of appeal and submitted for the information of the Tribunal details of the accounts of his business. As the judgment of the Tribunal is a public document the Tribunal has on previous occasions decided not to annex accounts of particular firms to the judgment.

A written submission was received on the 4th December, 1991 from Mr. Liam Cahill, a valuer in the Valuation Office on behalf of the Respondent. In this Mr. Cahill set out a description of the subject property and the details regarding the valuation history. Mr. Cahill said that the population of Rathcoole had expanded from 1966 to 1979 and that the Rathcoole Shopping Centre provides neighbourhood shopping facilities for Rathcoole and the surrounding areas. He said it is far superior to the Rathcoole Shopping Mall in terms of

layout and design. Mr. Cahill said that the shop units at Rathcoole Shopping Centre are held on long leases at nominal rents. He said that his estimate of the Net Annual Value of the shop is as follows:

Shop 660 square feet at £10 per sq. ft. = £6,660.

Mr. Cahill said that there is a relationship between Net Annual Value and Rateable Valuation of 0.63% which would yield a Rateable Valuation of £41.95 on the subject premises (say £42). Mr. Cahill attached the following comparisons, the details of which are attached as Appendix A, which he said in his opinion support a Rateable Valuation of £42:

Unit 1 Rathcoole Shopping Mall R.V. £45.00.

Unit 2 Rathcoole Shopping Mall R.V. £41.00.

Unit 2-9 Rathcoole Shopping Centre R.V. £42.00.

### **Oral Hearing**

The oral hearing took place in Dublin on 6th December, 1991. Mr. Hugh McDonnell one of the Appellants appeared on his own behalf and on behalf of the second named Appellant. Mr. Liam Cahill of the Valuation Office represented the Respondent.

Mr. McDonnell gave evidence as set out in his Notice of Appeal stressing repeatedly that it is becoming increasingly more difficult to make a reasonable profit because of competition from The Square Shopping Centre at Tallaght which opened about October 1990, and because of increased competition from the Lucan Shopping Centre. He said that the supermarket at the other end of the centre from the subject property also had a fruit and vegetable counter and shoppers generally purchase all their requirements there rather than walk the length of ten shops to buy in his premises. He said that his main stock lines are fruit, vegetables, flowers and fish and that the shop is opened from 9.00am to 6.00pm. Both of the Appellants work very hard for a small return and in corroboration he produced a

financial statement for the year ended 31/8/89 saying that the premises was purchased by the Appellants on a long lease for £25,000 (nominal rent) about three and half years ago and that they have been trying to build up a business since then. He again stressed that sufficient customers are not in Rathcoole to support his business and also the competition above mentioned. He also mentioned that there are a number of unoccupied units available in the shopping mall in Rathcoole.

Mr. Cahill said that the population has risen sharply from 1,740 people in 1971 to 2,991 in 1986 with a rapid increase from 396 people in 1966 to 2,871 in 1979. He emphasised that the shopping centre in which the Appellant's premises is located is far superior in design and layout to the Shopping Mall also in Rathcoole and referred to the two comparisons namely units 1 and 2 at the shopping mall set out in his precis with R.V.'s of £45 and £41 respectively. He also referred to unit 2 - 9 inclusive at the subject centre with R.V's of £42 saying that none of the rated occupiers have appealed against the valuations affixed to their premises. He said that the Chinese unit was bought in 1979 for £35,000 as a "shell unit"; the butchers, fully fitted, was bought in 1988 for £52,000 and the newsagents as a going concern, in 1988 for £85,000. He expressed the opinion that using 0.63% on the N.A.V. of £6,600 estimated at £10 per square foot on 660 square feet gives an R.V. of £41.95. Finally he said that if the R.V. on the subject premises is revised by the Tribunal it will have an effect on the remaining premises in the centre.

### **Determination**

The Tribunal in reaching its decision has totally disregarded the effect a reduction in respect of the subject premises would have on the other hereditaments in the shopping centre in which the Appellants premises is situated. It has therefore considered the evidence in its entirety both oral and written and whilst it is sympathetic to the Appellant and recognises the effort and industry the Appellants are putting into promoting their business, it finds that on

the evidence put forward, grounds for reducing the valuation fixed by the Commissioner of Valuation have not been given and accordingly decides to affirm the Rateable Valuation of £42 in respect of the subject hereditament.