

Appeal No. VA91/4/018

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

**Patrick Finnegan t/a Tallaght Stationery
and Office Supplies**

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Office (ground floor) and small garden at Lot No. 47/19a Tallaght Village, E.D. Tallaght East, Dublin - Belgard, Co. Dublin
Quantum

B E F O R E

Padraig Connellan

Solicitor (Acting Chairman)

Veronica Gates

Barrister

Joe Carey

P.C. M.I.A.V.I.

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 13TH DAY OF NOVEMBER, 1992

By notice of appeal dated 6th day of December, 1991, the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £58 on the above described hereditament.

The grounds of appeal as set out in the Notice of Appeal by the Appellant are that:-

- 1) Rates in 1989 were £1,160.25 for full occupation of the premises.
- 2) Rates in 1991 were £2,019.56 for one-third of the premises.

"This represents an increase of approximately 425% within two years. How?"

The Property

The subject property is situated in Main Street, Tallaght about half a mile from the Tallaght Town Centre. It is in a designated area. It consists of ground floor offices used as an office supply sales office trading in stationery, office equipment, computer supplies, etc.. The area is as follows:-

<u>Front</u>	Office and display area 31 sq.m. = 331 sq.ft.
<u>Rear</u>	Stores/Staff Area/WC 28 sq.m. = 299 sq.ft.

Valuation History

Prior to the 1990 Revision the property had a rateable valuation of £35. In 1990 Dublin County Council listed the property for revision as "part occupied by solicitor" and two lots were created as follows:-

- 47/19a - Occupied by Tallaght Stationery and Office Supplies
- 47/19b - Occupied by Helen Aufochs - 1st Floor.

The rateable valuation of the subject prior to this appeal was fixed at £58 and at 1st Appeal stage no change was made to this valuation. It is against this valuation that the Appellant appeals to the Tribunal.

Written Submissions

The Appellant, Mr. Patrick Finnegan, relied on his Notice of Appeal. He listed the following changes to the premises since 1989:-

- (A) Three tenants now pay rental income of £4,680 p.a..
- (B) Premises in Tallaght Village only reaching £60,000 at last auction.
- (C) Business has decreased due:

- (1) "The Square" causing closure of approximately 20 small retail shops in Tallaght.
 - (2) Increased volume of traffic making it impossible for cars to stop or park in the Village. New car park is never used due to its ridiculous entrance and exit.
 - (3) Moving of Post Office to The Square.
- (D) He painted the outside of the house and put new shelving units in the office to store stock .

Mr. Finnegan said that the improvements to Tallaght Village have not helped business. He said that he could not understand the reasoning of The Square being rated at nil, premises close to his own at £18, 1st floor office of his premises at £13 while there is a rateable valuation of £58 on the ground floor offices (subject premises).

A written submission was received on the 28th February, 1992 from Mr. Michael Slattery, M.A., B.Comm, District Valuer with 23 years experience in the Valuation Office. In his written submission Mr. Slattery dealt with the property and the valuation history. In commenting on the Appellants grounds of appeal he said that the rateable valuation is in line with other recently revised properties in the area. He said that the valuation is approximately .63% of the N.A.V.. He set out his calculations of R.V. and N.A.V. as follows:-

$$\text{R.V.} = £9,210 \times .63\% = £58.02$$

$$\text{Say R.V.} = £58.00$$

$$\text{N.A.V.} = \text{Ground Floor (front) } 270 \text{ sq.ft. @ } £24.00 = £6,480$$

$$\text{Ground floor (Rear) } 65 \text{ sq.ft. @ } £12.00 = £ 780$$

$$\text{Balance} \quad 300 \text{ sq.ft. @ } £ 6.50 = \underline{£1,950}$$

$$\text{TOTAL} \quad £9,210$$

N.A.V. = £9,210 (estimated)

Mr. Slattery submitted one comparison, the ground floor of the adjoining lot which is let as a veterinary surgery at £8,000 per annum in November 1991. He said that the area has suffered because:-

- (1) The Square opened in Tallaght and
- (2) There is no additional population for the extra shops in the area.

Oral Hearing

The oral hearing took place on the 6th March, 1992. Mr. Patrick Finnegan appeared on his own behalf and the Respondent was represented by Mr. Michael Slattery.

Mr. Finnegan said that he runs a stationery and office supply business and has been trading for five years. He said that most of the stock is stored in the subject property except for bulky stock which is kept in a small office near the I.D.A. centre. He said that 90% of the business is done by himself and one other sales man on a door to door basis. He said that before The Square opened about one-third of the business was off the street and that he opened six days a week, he now closes on Saturdays because of lack of business in Tallaght Village. He also said that The Square, instead of helping the small businesses by attracting more trade, is actually putting them out of business. Mr. Finnegan said that he has let the 1st floor office to a solicitor at a rent of £3,000 per annum. The tenant has been there for three years. He agreed that his premises is in a designated area but that he has not applied for designated status, he is at present applying for this. When asked why he did not apply for designated status before, Mr. Finnegan said that when the rateable valuation was £35 he was quite happy to pay the rates.

Mr. Slattery in his evidence relied on his written submission which has been referred to above. He said that when this appeal was lodged to the Tribunal he felt that the designated area status

would give a frozen situation with no increase in the rateable valuation. He advised the Appellant to apply for designated status. Mr. Slattery referred to his estimate of Net Annual Value and when asked by the Tribunal, he said that the balance referred to in his calculation of Net Annual Value consists of toilet, kitchen and store. He said that he considered £6.50 per square foot to be reasonable for this area as it is essential to the type of business carried on. Mr. Slattery said that in and around the subject area there were three different structures for calculating rateable valuations as follows:-

- 1) The Square which is the main trading area with rents of £50 per square foot is rates free for ten years.
- 2) The subject of this appeal is situated in the designated area.
- 3) Across the road from the subject property is the traditional situation - if the property increases in size the rateable valuation will increase.

Determination

The Tribunal is conscious of the fact that the subject premises is situated in a designated area; that trade has shifted from Tallaght Village to The Square resulting in diminished trade in the village and that the neighbouring premises is let at the annual rent of £8,000.

Having regard to all of the evidence both oral and written, to the rental of the adjoining premises and to the declining trade in the area, the Tribunal is satisfied that the correct R.V. of the subject premises should be £50 and so determines.