

Appeal No. VA92/2/024

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

**L. N. Darby & Sons Limited**

**APPELLANT**

**and**

**Commissioner of Valuation**

**RESPONDENT**

RE: Workshop, Offices and Land at Lot No. 14Ba, Kingstown and Carnduff Great, E.D.  
Armdulchan, Navan, Co. Meath  
Quantum

**B E F O R E**  
**Henry Abbott**

**S.C. Chairman**

**Mary Devins**

**Solicitor**

**Veronica Gates**

**Barrister**

**JUDGMENT OF THE VALUATION TRIBUNAL**  
**ISSUED ON THE 29TH DAY OF JULY, 1992**

By notice of appeal dated the 23rd day of March, 1992, the appellants appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £110 on the above described hereditament.

The grounds of appeal as set out in the Notice of Appeal are that the valuation is excessive in view of the open market rental values and in comparison with similar properties.

### **THE PROPERTY**

The subject property is situated in a rural location approximately 5 miles from Navan. The surrounding area is agricultural in character comprising mainly middle sized residential holdings. The property comprises a single storey workshop constructed with concrete block walls, concrete floor and corrugated asbestos roof. The building is a plain one and the internal walls are exposed concrete block. The external walls have a plastered finish to the front and are unrendered at the rear.

### **VALUATION HISTORY**

The original workshop was built in 1964 and valued at a rateable valuation of £13. The valuation was revised in 1990 when a large extension was valued. The rateable valuation was increased to £110. This was appealed to the Commissioner of Valuation and having considered the report of the appeal valuer the Commissioner made no change to the rateable valuation of £110. It is against this determination of the Commissioner of Valuation that the appeal now lies with the Tribunal.

### **WRITTEN SUBMISSIONS**

A written submission was received on the 2nd June, 1992 from Mr. Eamonn O'Kennedy, B.Comm M.I.A.V.I., Valuation and Rating Consultant of O'Kennedy & Company, 47, Merrion Square on behalf of the appellant. In this Mr. O'Kennedy outlined the description of the property and said that the buildings have been added to and extended on a piecemeal basis over a number of years. He said that there is only one other commercial building within a three mile radius of the property and there is no residential development of any kind taking place in the adjoining area. He said that the property itself is located just off a narrow sideroad. Mr. O'Kennedy said that the property consists of:-

Workshop	9765 sq ft
Stores	8455 sq ft

Toilets	302 sq ft
Office	429 sq ft

He said that the workshops are plain buildings erected on the owners farm and adjoining his dwelling house. He said that the buildings were erected by the occupiers themselves and that there are a number of structural defects which would not exist if the building had been built by a building contractor. He said that the building does, however, suit the present occupier's business which requires a considerable amount of space without requiring a quality finish. The premises, he said, are in a very poor location and are approached by a maze of minor roads. He said that because of the unusual location of the property it was very hard to get any evidence of lettings of similar properties in a similar location. He said that in his opinion a property such as this would not let on a price per square foot basis but rather on a price per week basis. He said that it was his opinion that a rental value of £300 per week would be the best that could be achieved for this property. Mr. O'Kennedy said that in his opinion the open market rental value of the property is £16,000 and that a fair and reasonable valuation of the subject property is £80.

A written submission was received on the 26th May, 1992 from Mr. Patrick F. Berkery, Valuer in the Valuation Office on behalf of the Respondent. In this Mr. Berkery described the property and said that it was located in a rural setting approximately five miles from Navan and he outlined the method by which he calculated the rateable valuation of the property as follows:-

	<u>per Sq Ft</u>		<u>N.A.V.</u>
Workshops - Total area:	18590 sq ft @ £1.10	=	£20,449
Store :	915 sq ft @ £0.50	=	£ 457
Offices :	527 sq ft @ £2.00	=	<u>£ 1,054</u>
	Say		£22,000

$$\begin{aligned}
 \text{R.V.} &= £22,000 \times .5\% \\
 &= £110.00
 \end{aligned}$$

Mr. Berkery outlined four comparisons as follows:

- (1) John Farrell, Harristown, Navan. Revised 1991 R.V. £30
- (2) Ashleaf Furniture Limited, Gillstown. 1987 First Appeal R.V. £49.
- (3) Furniture Factory, Kingstown and Carnduff Great. R.V. £100.
- (4) Various lettings at Denis Coakleys Warehouse Complex at Clonee, Co. Meath

### **ORAL HEARING**

The oral hearing took place on the 8th June, 1992. Mr. O'Kennedy represented the appellant and Mr. Berkery represented the respondent. Mr. O'Kennedy gave evidence as set out in his precis of evidence summarised above and said that the location of the subject property was so poor that he could not imagine anybody wanting to rent the property. He said that it was situated behind the owners house and is approached by a maze of narrow roads. Mr. O'Kennedy said that because the appellant had carried out the extensions himself they were of poor quality and significantly cheaper than could be achieved by a contractor. Mr. Berkery agreed with the description of the property. It was brought to the attention of the Tribunal that by letter dated the 17th January, 1991, Mr. O'Kennedy had confirmed acceptance of an agreed rateable valuation at £95 on the above described premises. Mr. O'Kennedy explained that this was something which he had agreed with Mr. Berkery, the appeal valuer, but that the Commissioner did not go along with the agreement and that the rateable valuation of £110 was upheld. Mr. Berkery confirmed that discussions had taken place and that he had recommended the agreement but that it was felt that workshops should not be valued at anything less than £1 per square foot. Mr. Berkery commenting on his fourth comparison, Denis Coakleys Warehouse Complex at Clonee, said that the subject property could not compare to this property in terms of its structure and finish.

**DETERMINATION**

The Tribunal having heard all the evidence and having read the precis submitted by both parties feels that, in addition to the agreed poor location of the subject, the quality of the building would detract substantially from its letting value. Taking this into consideration together with the comparisons offered, particularly warehouse No. 10 in the Denis Coakley comparison offered by the respondent, the Tribunal feels that the net annual value of the subject premises is in the region of £19,000 and that a rateable valuation of £95 should apply to the subject property.