

Appeal No. VA92/2/067

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

**Millers Hardware Limited**

**APPELLANT**

**and**

**Commissioner of Valuation**

**RESPONDENT**

RE: Shop and yard at Map Ref: 6bd/1 Main Street, Maryborough (part of), Town of Portlaoise,  
E.D. Portlaoise Urban, Co. Laois  
Quantum - Designated area adjacent

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

**S.C. Chairman**

**Paul Butler**

**S.C.**

**Padraig Connellan**

**Solicitor**

**JUDGMENT OF THE VALUATION TRIBUNAL**  
**ISSUED ON THE 10TH DAY OF NOVEMBER, 1992**

By notice of appeal dated the 26th day of March, 1992, the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £90 on the above described hereditament. The grounds of appeal are as set out in the Notice of Appeal.

### **Written Submissions**

A written submission was submitted by the appellant, Mr. Pat Miller, on the 1st September, 1992 and a written submission was submitted by Mr. John Smiley, Valuer with 17 years experience in the Valuation Office on behalf of the respondent on the 10th September, 1992.

The appellant submitted as follows:

"Taking into account the guideline upon which a revaluation is based is on the potential rental income from the shop, ours having been let to a Mrs. Kathleen Grant at £125 per week. Unfortunately our shop unit is now vacant and has been for the past year, with no hope of securing a tenant at any price.

We believe that this is an unjust way of revaluing our property based on the fact that the unit has been vacant for the past year and also the fact that there are a minimum of 60 shop units vacant and for letting in Portlaoise. The following is a breakdown of vacant units.

Dunnes Stores Complex, Mountmellick Rd	1 Unit
Coss Development, Mountmellick Rd	4 Units & 3 Offices
Lismard Development, Church St	3 Units
Railway Street	1 Unit
Main St - All vacant for letting	11 Units
Lyster House	1 Unit (formerly Trax)
	1 Unit (Closing Down)
Bridge St Development	15 Units (minimum)
Portlaoise Shopping Centre	3 Units at Street Level
Portlaoise Shopping Centre	2 Units Ground Floor
Portlaoise Shopping Centre	6 Units Main Plaza Area
Portlaoise Shopping Centre	2 Office Blocks with 2 Main entrances

Further specific details are available upon request. It is also significant that our property is not included in the designated area for urban renewal, thus leaving us at a distinct

disadvantage relevant to other properties available for letting. Alternative properties have a 10 year rates remission, perhaps a deciding factor in the letting of shop units. I also find it necessary to state that the population of Portlaoise as outlined in the last census has reduced by 350 persons."

The respondents submission set out details of location, property description and valuation as follows:

"The property is situated in good retail area, fronting onto a busy street connecting the Main Street and a large public car park. In the car park are the Shopping Centres of Lyster House and Kelton House. Recent developments opposite contains ten shops. There are three shop units in the premises adjoining the subject property.

The property comprises a ground floor shop and stores with first floor shop and office. At the rear there is a workshop and a first floor store. In 1988, the ground floor shop was substantially renovated, and the first floor shop and office were erected.

Shop (gr fl)	1250 ft <sup>2</sup> @ £9	=	11250
Shop (1st fl)	1133 ft <sup>2</sup> @ £3	=	3399
Store (gr fl)	1039 ft <sup>2</sup> @ £2	=	2078
Workshop (gr fl)	738 ft <sup>2</sup> @ £1.50	=	1107
Store (1st fl)	305 ft <sup>2</sup> @ £0.50	=	152
Boiler (gr fl)	107 ft <sup>2</sup> @		
			£17986

N.A.V. £18,000 X 0.5% = R.V. £90.00"

The respondents submission also set out rental comparisons which are set out in Appendix A hereto, together with a map setting out the relative locations of the various properties relevant to the appeal, including the subject.

**Oral Hearing**

The oral hearing took place here in Dublin on the 16th day of September, 1992. Mr. Pat Miller, the appellant, represented himself and Mr. John Smiley a valuer with seventeen years experience in the Valuation Office appeared for the respondent.

Both parties agreed the valuation history of the premises which in recent times involved a valuation of the subject premises together with the premises formerly occupied by Mrs. Kathleen Grant. The appellant applied for planning permission to reconstruct the roof and place another storey on the premises, and after the reconstruction the valuation was revised on the completed premises to £120. On first appeal Mr. Smiley correctly apportioned the valuation of the subject to £90.

The premises formerly occupied by Mrs. Kathleen Grant was thus separately rated.

Mr. Miller elaborated on his submission by pointing out that the excess of units available for letting arise out of the newly constructed Shopping Centre in the Urban Renewal Designated Area in which Crazy Prices and Penneys are the anchor tenants. He stated that, apart from the store area none of his premises is situate in the designated area. He stated that the over supply of premises coming on stream by reason of the designated area has depressed the rental market in the town. He pointed to his lack of success in reletting the premises formerly occupied by Mrs. Kathleen Grant at considerably lower rent. He stated that all the comparisons offered by Mr. Smiley were in relation to much smaller premises and were not comparable to his larger premises in terms of expected rent per square foot. He complained that he was not getting much of a service from the local authority and also that the local authority, by constructing the Public Library and Tourist Office, and by allowing permission for a Bakery, have significantly reduced the usefulness of the near-by car parking facilities. He stated that he spent approximately £35,000 on re-roofing the premises and stated that the only reason he constructed an extra floor

was by reason of the fact that he had to re-roof the premises in any event. He stated that he did a good trade but that the business found it difficult to make ends meet. Mr. Miller also quite fairly agreed with Mr. Smiley that the Dunnes Stores Shopping Complex, which is somewhat out of town, had experienced considerable success in attracting tenants to the rented units in the Complex. Neither party could explain why this apparently contradictory event happened except to suggest that perhaps rents had been dropped significantly to attract in tenants. Mr. Smiley countered Mr. Millers evidence by saying that the subject premises had the benefit of a good location, beside a car park, not far from the Lyster building and Keltons, which were operating under the name of "Price Busters". The letting of an unfinished premises in Bull Lane, in recent times, was also adverted to by Mr. Smiley to indicate that rental values had not collapsed in the area.

### **Findings**

While the Tribunal was impressed with the appellants case that rental values had collapsed particularly in the non-designated area of the town, the Tribunal finds that the valuation advanced by Mr. Smiley is generally fair and reasonable in terms of estimated rents per square foot, even allowing for a quantum factor, in the case. However, the Tribunal is impressed by the fact that the subject is close to the designated area and would be a likely victim of the rental centre of gravity created in the designated area which would draw prospective tenants away from the subject. The Tribunal also considers that many owners would not have taken the option of adding a second storey when the re- roofing work was being carried out. However, the reservations of the Tribunal in relation to the valuation appealed do not substantially interfere with the balanced approach of Mr. Smiley, and the Tribunal finds that these reservations can be accommodated by a small reduction in the valuation. The Tribunal accordingly finds that the valuation for the subject premises is £85.

