

Appeal No. VA92/3/031

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

Theresa O'Connor

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Shop at Lot No. 24/3 Pearse Street, Townland of Gully, E.D. Bandon, District of Bandon,
Co. Cork
Quantum

B E F O R E

Padraig Connellan

Solicitor (Acting Chairman)

Mary Devins

Solicitor

Veronica Gates

Barrister

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 14TH DAY OF OCTOBER, 1992

By notice of appeal dated the 20th day of May, 1992, the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £15 on the above described hereditament.

The grounds of appeal as set out in the Notice of Appeal are that "the shop is situated in a black spot for flooding in Bandon, which has cost the appellant dearly. Parking outside shop at Pearse Street is now prohibited. Customers cannot get into the shop, as they have to park their vehicles too far from the shop."

The Property

The property is situated on Pearse Street close to the junction with Oliver Plunkett Street and Saint Finbarr Place. Pearse Street is a continuation of South Main Street which is the main retail location in Bandon. The property consists of a three storey terraced building comprising ground floor and first floor shop areas with stores on the second floor. The building is old, around 1900's, and used as a ladies fashion shop.

Accommodation:

Ground Floor Shop 188 square feet, Store 37 square feet, First Floor Shop 172 square feet and Second Floor Store 167 square feet.

Tenure:

The property is held under freehold title.

Services:

All main services are connected to the property.

Valuation History

The property was initially valued c.1900 at £9. In 1927 the valuation was reduced to £7.50. At that time it was used as a harness maker's shop with living accommodation over.

The next revision was in 1990 when the property was listed for revision by Cork County Council to value alterations. As a result of this the valuation was increased to £18 and description amended to shop.

An appeal was lodged against this increase at First Appeal. The Commissioner of Valuation reduced the valuation to £15.

An appeal was lodged against this figure to the Valuation Tribunal.

Written Submissions

A written submission was received on the 7th October, 1992 from Mrs. Theresa O'Connor, the appellant. In the written submission Mrs. O'Connor stated that the shop is situated in a black spot for the flooding of the Bandon River, which has cost her dearly. Parking of vehicles at Pearse Street, Bandon has been prohibited for over 2 years. She stated that the business practice is carried out on the ground floor only and that the first and second floors are used only to hold stock. Mrs. O'Connor stated that she had no rear door or yard attached to the premises. Mrs. O'Connor stated that she rented a shop in the Bandon Shopping Centre for two months. She stated that although that premises had over double the ground floor space of the subject premises a similar R.V. was being charged. She further stated that the amount of passing trade in the Shopping Centre was far greater than that at Pearse Street.

A written submission was received on the 6th October, 1992 from Mr. Peter Conroy a District Valuer with over 20 years experience in the Valuation Office on behalf of the respondent. In the written submission Mr. Conroy set out details of the property and the valuation history attaching to it. Commenting on the appellants grounds of appeal, Mr. Conroy stated that the valuation was fair and equitable, that it was in line with other recently revised properties in the town and had been assessed in accordance with the provisions of Section 5 of the Valuation Act, 1986. Mr. Conroy stated that the appellants point in relation to parking difficulties and flooding had been reflected in the reduction from £18 to £15 at first appeal stage. Mr. Conroy set out the basis on which the rateable valuation had been calculated as follows:-

Shop Ground Floor	188ft ² @ £10	=	£1,880
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Shop First Floor	172ft ² @ £ 5	=	£ 860
Store Second Floor	167ft ² @ £ 1.50	=	<u>£ 250</u>
			£2,990

Estimated N.A.V. £3,000 per annum

R.V. @ .5% = £15

In his written submission Mr. Conroy set out a number of comparisons in Bandon as follows:-

1. Lot No. 26a.27/1 South Main Street Butcher's Shop

Estimate N.A.V.	Shop	355ft ² @ £10	
	Store	333ft ² @ £ 5	
			= £5,215

N.A.V. £5,000 @ .5% = £25 R.V.

2. Lot No. 80b Oliver Plunkett Street, Health Shop

Total Floor Area 480ft²

Estimate N.A.V. £4,200 (£80 per week)

R.V. @ .5% = £22

3. Lot No. 97a North Main Street, Book Shop

Shop 225ft² & Stores

Estimate N.A.V. £2,340 @ .5% = R.V. £11

4. Lot No. 4a St. Finbars Place

Estimate N.A.V. Shop (front) 323ft² @ £10

Shop (rear) 194ft² @ £ 5

= £4,198

N.A.V. £4,000 @ .5% = R.V. £20

5. Lot No. 80c Oliver Plunkett Street, 1st Floor Salon

N.A.V. 174ft² @ £7.00 = £1,218

N.A.V. £1,200 @ .5% = R.V. £6

6. Lot No. 82b South Main Street 1st Floor Hair Salon

N.A.V. 290ft² @ £6.50 = £1,885

N.A.V. £1,800 @ .5% = R.V. £9

In conclusion, Mr. Conroy stated, that the general level of rents for the town of Bandon varied from £16 per square foot for small units in the Shopping Centre to £12 per square foot for bigger units in the Shopping Centre and other good locations on South Main Street to £10 per square foot for other secondary locations and £8 or less for other fringe areas.

Oral Hearing

At the oral hearing which took place on 14th October, 1992 Mr. Noel O'Connor represented the appellant. Mr. Peter Conroy District Valuer appeared on behalf of the respondent.

Mr. O'Connor explained that the subject premises were particularly disadvantaged by their location which left them subject to frequent flooding and by the lack of nearby on street parking.

He explained that the ground floor was used almost solely as the shop with the 1st and 2nd floor used as fitting rooms and storage areas.

Mr. O'Connor pointed out that a unit in the Bandon Shopping Centre which had been leased by the appellant for a short time had an R.V. of almost the same as the subject in spite of its much greater letting value and its many more advantages in terms of location.

Mr. Conroy stated in evidence that the appellant had considered the premises worth £25,000 even though he was aware of the danger of flooding and the difficulties in relation to parking.

He referred to the comparisons as set out in his written submission and said that, in his opinion his estimate of N.A.V. at £10 p.s.f. for the ground floor of the premises was reasonable and accurate.

In reply to questions from the Tribunal Mr. Conroy explained that the N.A.V. of Unit 14 of the Shopping Centre which had been leased by the appellant for a short time was approximately £6,700 and that the R.V. of £16 on said unit had been fixed at 1988 First Appeal.

Findings

The Tribunal has taken into consideration both the oral and written submissions of the parties. The frequent flooding of the premises, almost on a yearly basis, also the lack of street parking, and the use of the first floor being confined to storage and fitting, are factors which the Tribunal has taken into consideration. The Tribunal has also noted the evidence put forward by the appellant in relation to the rateable valuation of Unit 14, Bandon Shopping Centre, which has a larger ground floor area than the subject premises, unrestricted car parking, and annual letting value of £6,700 and an R.V. of £16, (1988). Taking these factors into consideration the Tribunal determines that the correct rateable valuation of the subject hereditament is £13.