

Appeal No. VA92/4/019

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

John Horkan

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Shop at Lot No. 1d Newtown, Townland of Garryduff, Urban District of Castlebar, E.D.
Castlebar Urban, Co. Mayo
Quantum

B E F O R E

Henry Abbott

S.C. Chairman

Veronica Gates

Barrister

Brian O'Farrell

Valuer

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 3RD DAY OF FEBRUARY, 1993

By notice of appeal dated the 3rd day of July, 1992, the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £20 on the above described hereditament.

The grounds of appeal as set out in the Notice of Appeal are that the "valuation is excessive, inequitable and bad in law".

The Property

The property consists of a single storey end-of-terrace building of concrete construction under a flat roof with an open display yard at the rear. The agreed net internal floor area is 485 square feet. The property is situated in a secondary commercial trading area on one of the main exit routes from Castlebar central shopping area. The properties immediately adjoining the subject are primarily of a mixed commercial and residential nature.

Tenure

The property is held under weekly tenancy from May, 1989 at a rent of £50 per week. The tenant is responsible for rates and insurance.

Valuation History

The property was previously described as house, office and yard and was assessed at R.V. £5 in 1934. Following construction and a change of use, Castlebar U.D.C. listed the building for revision in 1991 and as a result the valuation was fixed at £22. On appeal to the Commissioner of Valuation this was reduced to £20 and it is against this valuation that an appeal lies to the Tribunal.

Written Submissions

A written submission was received on the 29th January, 1993 from Mr. Patrick J. Nerney, Rateable Valuation Consultant, Valuer & Auctioneer on behalf of the appellant.

In the written submission Mr. Nerney set out details of the premises and the valuation history. Mr. Nerney set out his estimate of the appropriate N.A.V. and R.V. on the property as follows:-

N.A.V.

Shop 485 sq.ft. @ £5.00 = £2,425

Say £2,400

R.V.

N.A.V. £2,400 @ 0.5% = £12

Mr. Nerney submitted that the value of the premises was adversely affected by the plain structure of the building and by the dampness in the walls and ceilings and the fact that it was located away from the main shopping area. The subject premises had no parking on its own side of the street and only restricted parking on the other side of the street due to the two way traffic system. He further stated that completion of the new road would have adverse implications for the subject premises. In addition he stated that the subject premises had no toilet facilities.

Mr. Nerney attached the comments of the appellant to his written submission in which the appellant stated that a number of businesses in the Newtown area had closed in the recent past due to the poor location.

Mr. Nerney set out details of three comparisons in the area:-

- (1) Lot No. 18.19./4 Market Street. R.V. £25 fixed at 1991 first appeal. A boutique let short term at £100 per week.
- (2) Lot No. 19f.23b/1, Ellison Street. R.V. £38 - 1989 revision. A new shop unit on a corner near Burke's supermarket let at £150 per week.
- (3) Lot No. Pt. 1a Newtown. R.V. £25 - 1991 first appeal.
A dry cleaners let on short lease from 1988 at £127.50 per week.

A written submission was received on the 20th January, 1993 from Mr. John Colfer, Appeal Valuer with 13 years experience in the field of property valuations, on behalf of the respondent.

In the written submission Mr. Colfer set out details of the property and its valuation history. Commenting on the grounds of appeal of the appellant, Mr. Colfer stated that the rateable valuation was in line with other recently revised properties in the area in that the valuation is approximately .5% of N.A.V. In determining the N.A.V. of the subject property he submitted that he had had regard to assessed N.A.V.'s of similar properties in the locality which had had their valuations recently revised.

Mr. Colfer set out his calculation of the R.V. on the subject premises as follows:—

Valuation:

Front Shop:	354	@	£10p.s.f.	=	£3,540
Rear Shop:	131	@	£ 5p.s.f.	=	<u>£ 655</u>
					£4,195
@ .5% =	£20.97		Say £20		

Mr. Colfer gave details of three comparisons in the area and these are summarised as follows:-

- (1) Narine Mason (Trading as Westside Dry Cleaners Ltd)
Lot No. 1e (pt) Newtown. Rateable Valuation £25 (1991 First Appeal).
- (2) Fiona Cunniffe, Lot No. 18.19e/4, Market Street. Rateable Valuation £25 (1991 First Appeal).
- (3) Rich Speed Auto Accessories Limited, Lot No. 18.19e/5, Market Street. Rateable Valuation £33 (1991 First Appeal).

Oral Hearing

The oral hearing took place in Galway on the 2nd day of February, 1993. Mr. Patrick J. Nerney, Rateable Valuation Consultant appeared on behalf of the appellant and Mr. John Colfer an

appeal valuer and associate member of the Society of Chartered Surveyors with 13 years experience in the field of property valuations appeared on behalf of the respondent.

Evidence was given by the valuers along the lines of their precis submitted and the debate principally zoned in on the comparison between the Westside Dry Cleaners Ltd which was almost adjacent to the subject. The Tribunal finds that the subject is not as imposing a premises as the Westside Dry Cleaners Ltd notwithstanding that it has a side display yard and window. The Tribunal while it accepts that the passing rent may not represent the N.A.V., finds having considered all the evidence and taking all the circumstances of the case into account, the valuation of the subject premises to be £18.