

Appeal No. VA92/5/022

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

**Liam Fleming t/a Flemco Supermarket Company**

**APPELLANT**

**and**

**Commissioner of Valuation**

**RESPONDENT**

RE: Licensed House Shop, Land, Store and Yard at Lot No. 6 Main Street, Townland of Ballypheasan, E.D. Roscommon Urban, District of Roscommon, Co. Roscommon  
Quantum

**B E F O R E**  
**Mary Devins**

**Solicitor (Acting Chairman)**

**Brian O'Farrell**

**Valuer**

**Veronica Gates**

**Barrister**

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

By notice of appeal dated the 10th day of August, 1992, Tony Brooks & Company on behalf of the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £260 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 totally unjustified when all aspects of this case are taken into account".

### The property

The property consists of a Super Valu supermarket located in the prime retail area of Roscommon town. The first portion facing Main Street is a reconstructed shop which incorporates a former arch way. The upper part of this portion of the building is a 4 bedroomed private residence. To the rear of the building is a single storey extension and immediately behind this is a new two storey building which provides a second entrance to the supermarket and also houses a coffee shop and extensive storage. The rear access has a decorative red brick facade 60 feet wide which faces a large local authority car park.

### Written Submissions

A written submission was received from Mr. Tony Brooks of Tony Brooks & Company, Valuation, Rating and Property Consultants on the 29th January, 1993 on behalf of the appellants. In the written submission, Mr. Brooks described the property and gave details of the accommodation and the services attaching to it, and described the valuation history. Mr. Brooks stated that the appellant had improved the property by covering in the archway and passage between lots 5 & 6 of Main Street and extending the buildings on lot 6 and also onto parts of lots 4 & 5 to the rear. The total cost involved in the reconstruction amounted to £140,000.

Mr. Brooks set out his estimate of the N.A.V. and the appropriate R.V. on the subject premises as follows:-

Supermarket	7,440 sq.ft.	@ £4.50p.s.f. = £33,480
Ground Floor Stroes	1,668 sq.ft.	@ £2.00p.s.f. = £ 3,336
Outside Stores	728 sq.ft.	@ £1.00p.s.f. = £ 728
First Floor Stores	2,640 sq.ft.	@ £1.00p.s.f. = £ 2,640
Residence	1,900 sq.ft.	Say = <u>£ 3,800</u>
		£43,984
N.A.V. £43,984	Say £44,000	
R.V. £220		

(2) Part of the above premises to be apportioned.

Supermarket	6,685 sq.ft.	@ £4.50p.s.f. = £30,082.5
Ground Floor Stores	487 sq.ft.	@ £2.00p.s.f. = £ 974
First Floor Stores	1,484 sq.ft.	@ £1.00p.s.f. = £ 1,484
Outside Stores	728 sq.ft.	@ £1.00p.s.f. = £ 728
Residence	1,900 sq.ft.	Say = <u>£ 3,800</u>
		£37,068.5

N.A.V. £37,068.50 @ .5% = Say £185

Mr. Brooks gave details of four comparisons summarised below:-

- (1) Molloy's Supermarket, Main Street, Roscommon. R.V. £175 (1992).
- (2) D.H. Burke Limited, 16.17.18/5 Castle Street, Roscommon. R.V. £90 at 1989 first appeal.
- (3) Pettitt Supermarket in Athy. R.V. £320 reduced to £290 at first appeal in 1989.
- (4) Pettitt Supermarket in Arklow. R.V. £380 reduced to £340 at first appeal in 1990.
- (5) U.D. Naas, Supervalu Supermarket. A new purpose built building with an R.V. of £250 which was fixed in 1991 first appeal.

A written submission was received from Mr. Christopher Hicks Appeal Valuer on behalf of the respondent on the 25th January, 1993. In the written submission Mr. Hicks described the property and set out details of his calculation of the Rateable Valuation on the subject premises. The subject premises is part of a slightly larger premises the R.V. of which is also under appeal.

(1) **Whole Valuation**

Shop and Restaurant 7,440 ft <sup>2</sup> @ £6.25	=	£46,500
Stores etc 5,450 ft <sup>2</sup> @ £2.00	=	<u>£10,900</u>
<b>N.A.V.</b>		<b>£57,400</b>
@ .5%		287
Residence 1,900 ft <sup>2</sup> worth £75/week @ .5%		<u>19</u>
		£ 306

**Say £300**

**This R.V. £300 is the subject of a subsequent appeal but has not yet been dealt with.**

(2) **Part of above the subject of current appeal**

<b>Shop 6,685 ft<sup>2</sup> @ £6.25</b>	<b>=</b>	<b>£41,781</b>
<b>Stores etc 3,121 ft<sup>2</sup> @ £2.00</b>	<b>=</b>	<b><u>£ 6,242</u></b>
N.A.V.		£48,023
@ .5% =		240

Residence as above	<u>19</u>
	£ 259

**Say £260**

Mr. Hicks offered one comparison Molloy's Supermarket, Main Street, Roscommon the subject of an earlier Tribunal appeal (VA/92/2/52). Rateable Valuation fixed at £175 in 1992.

Mr. Hicks stated that the premises of the comparison have two major disadvantages not suffered by the subject which is that (1) they are old and lack the business potential of a new construction with a modern layout and (2) the access to the yard at rear is difficult and it cannot be used by customers who must park on the busy main street to the front.

### **Oral Hearing**

At the oral hearing which took place in Galway on the 2nd day of February, 1993, Mr. Tony Brooks, Valuer, appeared on behalf of the appellant. Mr. Christopher Hicks of the Valuation Office represented the respondent. Also present was Mr. Liam Fleming, owner of Flemco Supermarket.

Mr. Brooks explained that the current appeal related to part of a slightly larger premises and that the R.V. of £260 was the result of the appellant's first appeal against the R.V. of £215 fixed at 1991 revision.

In evidence, Mr. Brooks said that the area of the supermarket section of the subject was more than twice that of Molloy's Supermarket, cited as his main comparison by Mr. Hicks, and that it was normal rating practice to make a quantum allowance for larger areas.

He pointed out that Roscommon with a population of approximately 1,350 was the second smallest county town in the country and that it had not attracted any of the larger multiples to trade there.

Mr. Brooks further stated that the appellant's business acumen and good turnover figures should have no bearing on the letting values which would apply to the subject premises.

Mr. Hicks referred to his written submission and appeared to rely heavily on Molloy's Supermarket, which was the subject of a Tribunal decision (VA/92/2/52).

The subject premises had direct access to a large public car park at the rear, unlike Molloy's which only had a yard at the rear with somewhat restricted access.

Mr. Hicks contrasted the modern layout of the subject with the old buildings of Molloy's which had been virtually unchanged since 1965.

He pointed out too the advantages to a supermarket of a larger internal area, and the particular advantage of the subject in having in effect two shop fronts, one onto the public car park and one on to the street.

### **Findings**

While it does not seem to the Tribunal that a larger area automatically suggests a larger R.V., the subject property does have certain marked advantages over Molloy's supermarket, its nearest comparison.

It is a fine, reconstructed property, finished to a high standard, highly visible to front and rear, and with easy access to a large car park.

The Tribunal accepts Mr. Brooks contention that letting values for supermarkets in Roscommon should not be compared to those in prime areas of Dublin.

It does note, however, the healthy turnover figures achieved by the subject, and while these are in no small way due to the skilled management of the appellant, they are, too, indicative of the inherent advantages of the property.

Taking all of the above into consideration, the Tribunal is of the opinion that the correct R.V. of the subject hereditament is £225 and so determines.