

Appeal No. VA92/6/005

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

Becker Tansey & Company

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Offices at Lot No. 21/39A2 Jubilee House, Monastery Road, Clondalkin, E.D. Clondalkin Village, District of Dublin - Belgard, Co. Dublin
Quantum

B E F O R E
Mary Devins

Solicitor (Acting Chairman)

Paul Butler

S.C.

Paddy Farry

Solicitor

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 14TH DAY OF JULY, 1993

By Notice of Appeal dated the 19th day of October, 1992 the appellants appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £27 on the above described hereditament.

The grounds of appeal as set out in the Notice of Appeal are that:-

- "(1) Surplus of office space exists in Village.
- (2) Premises close to some buildings in poor state of repair which detract from the premises.
- (3) The value of premises has not increased since original letting.
- (4) Premises is over units which have changed hands five times since original letting - overheads too high."

The Property

The property is situated in a central location in Clondalkin opposite The Laurels (pub) and adjoining bus stop.

The property consists of half of the 1st floor of premises known as "Jubilee House".

The accommodation comprises 2 offices, typist area and toilet. Jubilee House is a modern brick faced building with 6 windows fronting street with over 40 feet frontage.

Tenure

Part in question is held on a 21 year lease with 4 year reviews from the 5th September, 1983.

Services

All main services are connected to the property.

Valuation History

Prior to 1986 First Appeal the property was valued as hairdressing salon at £22. Following appeal the rateable valuation was reduced to £21.50 as rooms were re-converted to offices. In 1991 revision, the property was again listed for revision to "revise and update valuations as necessary". The valuation was increased to £28.

An appeal was lodged with the Commissioner of Valuation and the R.V. was subsequently reduced to £27. It is against this valuation that this appeal now lies with the Tribunal.

Written Submissions

A written submission was received from the appellants, Becker Tansey & Company on the 2nd April, 1993. In the written submission the appellants set out the reasons why they considered the rateable valuation of £27 to be too high. In brief these were:

- 1) that there was a surplus of office space in Clondalkin and there were a number of premises available for letting.
- 2) that the centre of Clondalkin has a number of buildings which are in a poor state of repair and maintenance which detract from the premises in question.

- 3) At the review of rent in September 1991 the appellants stated that their landlady had accepted their representations regarding surplus of office space in Clondalkin and the high rent already being paid and had only increased the rent by £250.
- 4) Passing trade in the village had decreased due to the proximity of The Square, Tallaght. The tax breaks and rates incentives prevailing in that development place the occupiers of units in The Square in a better competitive position, price-wise, than the traders in the village.
- 5) The planning permission granted for the development of the old Clondalkin Paper Mills Site was likely to draw further trade away from the village.
- 6) Appellants stated that it was inequitable to impose such charges on the business community only, and that it would be more equitable to impose such charges on the community as a whole.

A written submission was received on the 2nd April, 1993 from Mr. Tom Stapleton, a District Valuer with 30 years experience in the Valuation Office, on behalf of the respondent. In the written submission Mr. Stapleton described the property and its valuation history as set out above. He stated, commenting on the grounds of appeal, that there had been a major revision of all properties in Clondalkin following the introduction of the 1986 Act. As a consequence a very high degree of uniformity had been reached. The appellants previous valuation was fixed under the old square metre method. Shop units under appellants offices are both occupied and adjoining buildings are well maintained.

Mr. Stapleton stated that in arriving at an N.A.V. for the subject premises consideration was given to the passing rent, the quality and location of the building and levels agreed on offices in the village.

Mr. Stapleton set out his calculation of the rateable valuation on the subject premises as follows:

Given the nature of this premises and the availability of rental

evidence the comparative method of valuation was relied upon.

Passing rent (Sept. 1987) £4,500 p.a. (full repairing and insuring letting)

Net Annual Value £4,500 @ .63% = £28.35

Alternatively

1st floor (offices) Area 527ft² @ £8 psf £4,216 @ .63% £26.56
R.V. £27.00

Mr. Stapleton stated that "Jubilee House" was an attractive building in a prime location in Clondalkin Village and that the level of rent being paid reflected the standard of accommodation and location.

Oral Hearing

At the oral hearing which took place in Dublin on the 7th of April, 1993 Ms. Monica Tansey, Solicitor represented the appellant Becker Tansey & Company. Mr. Tom Stapleton of the Valuation Office appeared on behalf of the respondent.

Ms. Tansey referred to her written submission. She described a number of adjoining premises which were vacant, one of which was seeking a rent reflecting £10 per square foot. Another premises, the first floor over Massey's Funeral Home consisted of 1500 square feet at £5 per square foot. She indicated that a fair rent for the appellants premises would be in the order of £5 to £7 per square foot. She further told the Tribunal that the appellants lease, while providing for rent reviews, contained provision that there could be no reduction upon such reviews. She indicated that the passing rent on the subject premises was £4,250 and that appellant's adjoining unit which formed part of the same suite of offices was rented at £4,750. She produced photographs and pointed out that the appearance of the Fruit and Vegetable Shop beneath the subject premises detracted from the appearance thereof and impeded access thereto.

Mr. Stapleton relied upon his written submission. He indicated to the Tribunal that there had been a general review of the area in 1991 and pointed out that all but one of his comparisons attracted rent in excess of £8 per square foot. He further pointed out that the fact that the other portion of the appellant's premises was rented at £4,750 led him to the view that the rateable valuation of the subject premises was on the low side.

Determination

While the Tribunal accepts all that Ms. Tansey had to say about the subject premises it cannot but conclude that the net annual value thereof must be at least £4,250, particularly having regard to the rent passing on the remainder of the premises. Accordingly, the Tribunal affirms the Commissioner of Valuation's decision at first appeal and determines the rateable valuation at £27.