

Appeal No. VA92/6/010

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

A.I.B. Bank, Ennis

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Bank, Offices and Land at Map Ref: 8, Bindon Street, Townland: Ennis, Ward: Ennis No: 1, U.D. Ennis, Co. Clare

Quantum - Bank user superior in planning terms to office user

B E F O R E

Henry Abbott - S.C.

Chairman

Veronica Gates - Barrister

Deputy Chairman

Joe Carey - PC.DDSc.DBAdm.MIAVI

Member

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 25TH DAY OF AUGUST, 1993

By Notice of Appeal dated the 20th day of October, 1992 the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £200 on the above described hereditament.

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

"this assessment is excessive, inequitable and bad in law."

Valuation History:

The property was revised in 1991. In November 1991 the Valuation List issued and the R.V. was assessed at £200. In December 1991 the occupier appealed this assessment to the Commissioner of Valuation. On the 5th October, 1992 the Commissioner issued his decision making no change in the rateable valuation of £200 and it is against this determination that the subject appeal has come before the Tribunal.

The Property:

The property consists of a bank building located in the centre of Ennis in the main banking and office district. It is over 100 years old and its condition is reasonable for its age. It is of stone and slate construction. The accommodation is as follows:

| | |
|---------------|---|
| Ground Floor: | Banking Hall and Offices - 2,145ft ² |
| First Floor: | Offices, Canteen, Store - 1,427ft ² |
| Basement: | 2,221ft ² |
| | (Entire) |

The tenure of the property is freehold.

Written Submissions:

On the 17th August, 1993 a written submission was received from Mr. Alan McMillan of Donal O'Buachalla & Company Limited, Valuers and Rating & Property Consultants, on behalf of the appellant.

In his submission Mr. McMillan set out the valuation history of the property and its location. He also gave a detailed description of the present condition of the property and set out the accommodation areas as referred to above. Mr. McMillan also summarised various points highlighted in a report made by ESBI Atkins International, as Consultants to A.I.B. in relation to certain emergency action necessary for the property.

Mr. McMillan also submitted that it had been agreed between the parties that a fair R.V. is equivalent to 0.4% of the N.A.V. as at November 1988. Mr. McMillan's estimate of rateable valuation for the subject property is £95 based on a N.A.V. of £25,000, and a breakdown of his estimation is set out below:

Estimate of Rateable Valuation:

| | | |
|---------------|---------|-------------------------------------|
| Ground Floor: | | 2,145 sq.ft. @ £7.50 = £16,087 |
| First Floor: | Offices | 688 sq.ft. @ £6.00 = £ 4,008 |
| | Stores | 759 sq.ft. @ £3.00 = £ 2,277 |
| Basement: | Usable | 743 sq.ft. @ £2.00 = <u>£ 1,486</u> |
| | | £23,858 |
| | | Say £25,000 |

R.V. @ 0.4% = £95

By way of comparative evidence, Mr. McMillan relied principally on A.I.B. and Bank of Ireland on Bank Place, detailed analysis of which he included in his submission. Comparative evidence was also included in the submission in relation to five other properties in the town of Ennis.

On the 11th August, 1993 a written submission was received from Mr. Frank O'Connor, a Valuer, on behalf of the Commissioner of Valuation.

Mr. O'Connor's submission included details of the valuation history of the property and he stated that the R.V. is assessed in line with other recently revised comparable properties in Ennis at 0.4% of the estimated Net Annual Value as of November 1988. He also gave a brief description of the property and set out the accommodation areas referred to above.

Mr. O'Connor also set out in his submission, the basis for the rateable valuation of £200 as follows:

| | | |
|---------------|-------------------|--|
| Ground Floor: | Zone A - | 1,090ft ² @ £22.00/ft ² = £23,980 |
| | Zone B - | 1,055ft ² @ £11.00/ft ² = £11,605 |
| First Floor: | Offices etc. | 1,427ft ² @ £ 7.00/ft ² = £ 9,898 |
| | Basement Stores - | 2,221ft ² @ £ 2.00/ft ² = <u>£ 4,442</u> |
| | N.A.V. | £50,016 |
| | | <u>@ .4%</u> |
| | R.V. = | £200.00 |

His comparative evidence included A.I.B. and Bank of Ireland on Bank Place, Ennis and also Bank of Ireland, High Street, Ennis. A location map showing the subject property and the comparisons referred to in the submission were also attached to it.

Oral Hearing:

The oral hearing took place in Ennis on the 25th August, 1993. Mr. Alan McMillan, an Associate of the Society of Chartered Surveyors of Donal O'Buachalla & Company Limited, appeared for the appellant and Mr. Frank O'Connor, A.R.I.C.S., B.Sc., a Valuer with 13 years experience in the Valuation Office, appeared for the respondent.

Mr. McMillan gave evidence along the lines of his precis and the Tribunal debated with the parties the impact of the comparisons in both precis.

During the hearing the following principal features emerged:-

- 1) The location of the premises is somewhat off the concentrated High Street banking centre in Ennis.
- 2) The predominant rental activity in Bindon Street, the location of the subject property, is office accommodation at significantly lower rents than were being suggested by the respondent in respect of the subject.
- 3) The condition of the premises left a lot to be desired, especially in the view of the new safety and fire requirements.

Mr. O'Connor submitted, on behalf of the respondent, that the Tribunal should consider that the property is being used as a bank and should consider that it has a special user offered above ordinary office accommodation and that in accordance with the I.M.I. decision, that the premises should be compared with other banks in the town.

Findings:

The Tribunal accepts the suggestion by Mr. O'Connor that the subject is to be compared with other banks in the town and that the banking user is superior in planning terms to mere office user in so far as the requirements for large public access are generally stricter. However, even on this basis the Tribunal considers that for the three reasons advanced and noted above, an appropriate valuation of the subject ought to be £150 and so determines.

