

Appeal No. VA93/1/001

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

**Eamon Dillon**

**APPELLANT**

**and**

**Commissioner of Valuation**

**RESPONDENT**

RE: House and Shop at Map Ref: 29a, Barrack Street, Townland of Ballaghadereen, E.D.  
Ballaghadereen, R.D. Castlerea, Co. Roscommon  
Quantum

**B E F O R E**  
**Henry Abbott**

**S.C. Chairman**

**Paul Butler**

**S.C.**

**Veronica Gates**

**Barrister**

**JUDGMENT OF THE VALUATION TRIBUNAL**  
**ISSUED ON THE 10TH DAY OF SEPTEMBER, 1993**

By Notice of Appeal dated the 8th of February, 1993 Mr. Eamon Dillon appealed against the determination of the Commissioner of Valuation in fixing a Rateable Valuation of £39.00 on the above described hereditament.

The grounds of appeal as set out in the Notice of Appeal are that "the valuation is excessive having regard to the age, location, nature and letting/market value of the property. It represents an unreasonable increase on the previous valuation of £18.00".

### The Property

The property is located on a corner site on the Market Square in the town of Ballaghaderreen. It has been completely reconstructed in recent years. On the ground floor is a shop which retails second hand furniture. The first floor is the owners residence. To the rear is a single storey store the roof of which is in poor condition.

### Written Submissions

A written submission was received on the 7th September, 1993 from Mr. Patrick J. Nerney, Rateable Valuation Consultant, Valuer and Auctioneer on behalf of the appellant. Mr. Nerney said that the premises were located on the corner of Barrack Street and Pound Street in Ballaghaderreen beside the local branch of the Bank Of Ireland. He said that they comprised a residential shop premises and store on which renovations had been carried out two to three years ago. He said that in his opinion the Net Annual Value on the premises was £6,000 and a fair valuation of £30.00 estimated as follows:-

#### Net Annual Value

Shop	800 sq ft	@	£4	=	£3,200
Store	1,000 sq ft	@	£1.5	=	£1,500
Residential	1,000 sq ft	@			<u>£1,300</u>
					£6,000

#### R.V.

Net Annual Value                    £6,000 @ 0.5% = £30

Mr. Nerney offered two comparisons:-

- (1) 75 Main Street with a Rateable Valuation of £26.00 fixed by agreement at 1991 phase 4 First Appeal.
- (2) 11 Barrack Street with a Rateable Valuation of £48.00 fixed at 1991 phase 4 First Appeal.

A written submission was received on the 25th August, 1993 from Mr. Christopher Hicks of the Valuation Office on behalf of the Respondent. Mr Hicks in the written submission described the property and set out his calculation of the Rateable Valuation as follows:-

Shop 572 ft<sup>2</sup> @ £8.50 = £4,862.00

Store 1141 ft <sup>2</sup>	@	£1.00	=	<u>£1,141.00</u>
				£6,003.00 @ 0.5% = £30.00
Residence worth £35.00 per week		£1,820.00	@	0.5% = <u>£ 9.00</u>
				R.V. £39.00

Mr. Hicks offered four comparisons within the area and these were set out in the written and are summarised below:-

- (1) 1a Cathedral Street.  
Gents outfitter. Valued 1989 at R.V. £30.00.
- (2) 27, 28 Barrack Street.  
Bank of Ireland. Valued 1992 at R.V. £115.00.
- (3) 11 Barrack Street.  
Newsagent. Valued 1992 at R.V. £48.00.
- (4) 88, 89 Pound Street.  
Solicitor's Office. Valued 1991 at R.V. £22.00.

### **Oral Hearing**

The oral hearing took place in the Council Chambers, Galway on the 9th day of September, 1993. Mr. Patrick J. Nerney, Rateable Valuation Consultant, Valuer and Auctioneer appeared on behalf of the appellant and Mr. Christopher Hicks, Valuer appeared on behalf of the respondent.

Mr. Nerney referred to his precis and said that he had since inspected the shop and premises, the subject of this appeal, and found that the shop was a little better than he had set out in his precis and that he would be prepared to concede that the rent might be £1.00 per square foot higher on the shop, but that the store let him down badly in so far as it was much longer and narrower than he had thought without the inspection. Mr. Nerney said that the shop premises was in bad condition with chipboard and felt on the roof. There was a bad job of flashing done by the bank and a wall of the bank, abutting the party wall of the subject had a damp course structure which appeared to have the effect of feeding damp into the premises. The premises was used for sale of second hand furniture. Mr. Nerney placed great reliance on his comparison at 75, Main Street and stated that the rent equated to £4.72

per square foot over an area of 1,100 square feet. He stated that the premises had been rebuilt, and was in a better location, than the subject. Mr. Dillon, the appellant, also gave evidence that this particular premises had had a chequered career and that it had been difficult to keep tenants there.

Mr. Hicks gave the view that this premises was on Main Street and that the business generally was moving away from Main Street up towards the location of the subject on the square.

Both Valuers shared the comparison relating to the newsagency and fancy goods premises at 11, Barrack Street and there was a different view taken by the Valuers in relation to whether it was a better location or not but there is no gain saying that it did have the benefit of laneway access at the side of the building leading to the rear.

The Tribunal heard evidence from Mr. Hicks in relation to the bank premises which has been valued on an agreed basis, on a devalued rent per square foot, on the front portion, of £9.00. Mr. Hicks stated that he had agreed the bank on the basis that other premises would be coming up in the area and that he had agreed the bank at a rate which he would consider low for such premises because of the fact that he anticipated other premises in the area being valued.

The debate ensued in relation to the relative advantages of various locations around the centre of Ballaghderreen and the general employment and development context of the town.

### **Findings**

The picture which emerges to the Tribunal is of a small Roscommon town with a reasonable amount of employment for its size which does not base itself in the town and hence may not be of much significance in terms of economic support and development. There appears to be no dynamic building sector either in the private or public area. The rents being debated on all sides show no signs of buoyancy. The location of the subject seems to be as good as any in Ballaghderreen and may in fact be closer to where new development will happen as a result of better parking than many of the comparisons. The Tribunal is aware of the fact that Mr. Dillon occupies the subject with a business which usually does not yield a high income per square foot or justify high rents for the building. However, this is a retail use and the Tribunal must consider the matter in terms of the availability of the premises for other retail uses which would not necessitate substantial alterations and considers that the rents

proposed by Mr.Hicks are not unrealistic in that context. The Tribunal accordingly finds that the valuation of the premises ought to be £39.00 with the domestic portion valued at £9.00 as suggested by Mr. Hicks and so determines the valuation to be £39.00.