

Appeal No. VA93/1/002

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

First National Building Society

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Offices at Map Ref: 7a/1 (ground floor) Bridge Street, E.D. Balbriggan, Urban District of Balbriggan Co. Dublin
Quantum

B E F O R E

Veronica Gates

Barrister (Acting Chairman)

Paul Butler

S.C.

Paddy Farry

Solicitor

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 24TH DAY OF SEPTEMBER, 1993

By Notice of Appeal dated the 4th February, 1993 the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £65.00 on the above described hereditament.

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

Valuation History

The original Rateable Valuation of the property was agreed on First Appeal in 1987 at R.V. £45.00 and was reaffirmed by the Commissioner of Valuation on Revision in 1988. It was subsequently included in a list of revised rateable valuations in May, 1991 at R.V. £65.00 which remained unchanged following First Appeal. It is against this decision of the Commissioner of Valuation that the subject appeal come before the Tribunal.

The Property

The subject property comprises the ground floor of a two storey terraced property with retail use at ground floor level and office use at first floor level. The first floor offices form a separate hereditament which does not form part of this appeal. The property is situated on the Western side of Bridge Street, Balbriggan approximately 27 yards south of its intersection with Quay Street. The walls are generally of rubble masonry construction with cement rendered external elevation and double pitched roof with slate roof tiles. The ground floor front elevation incorporates a timber framed display window. Internally, floors are generally of concrete slab with carpet floor covering, whilst walls are smooth plastered and either papered or painted. Ceilings are either of suspended acoustic tile or smooth plastered and painted. The subject property is held in Fee Simple.

Written Submissions

A written submission was received on the 27th July, 1993 from Mr. Adrian Power-Kelly of Harrington Bannon, Chartered Valuation Surveyors on behalf of the appellant. In his submission, Mr. Power-Kelly gave a detailed description of the property and its location, and he also gave details of the valuation history of the property, and set out the areas of the accommodation as follows:-

<u>Ground Floor</u>	<u>Sq. Ft.</u>	<u>Sq. M.</u>
Retail (Public Area)	340	31.8
Counter Staff Area	120	11.1
Offices	223	26.7
Corridor	134	12.5
Kitchen/Tea Station	<u>130</u>	<u>11.9</u>
	947	87.8

Mr. Power-Kelly also stated in his submission that his estimate of R.V. is £35.00 for the subject property and he gave a detailed breakdown of this estimate as follows:-

Ground Floor Retail 947 sq.ft. @ £5.50 p.s.f. = £5,227

£5,227 X 0.63% = R.V. £32.93 Say R.V. £35.00

Zone A	314 sq.ft.	@	£9.26	=	£ 2,907.00
Zone B	367 sq.ft.	@	£4.63	=	£ 1,699.00
Zone C	266 sq.ft.	@	£2.31	=	<u>£ 614.00</u>
				=	£ 5,220.00

Total NAV £5,220 @ 0.63% = R.V. £32.88

Say: R.V. £35

A table setting out details of six comparable properties was also included in Mr. Power-Kelly's submission, together with a location plan and site map of the area and also photographs of the subject and comparative properties.

A written submission was received on the 14th July, 1993 from Mr. Christopher Hicks, District Valuer, on behalf of the respondent. Mr. Hicks set out brief details in relation to the property in his submission and also the basis for his valuation of £65.00. His submission included details of five other properties in the Balbriggan area as comparative evidence, the most relevant of which he said is the Credit Union Office. The submission also included a map of the Balbriggan area.

Oral Hearing

An oral hearing took place on the 30th day of July, 1993. The appellant was represented by Mr. Adrian Power-Kelly, ASCS, ARICS, of Messrs. Harrington Bannon, Chartered Valuation Surveyors. Mr. Christopher Hicks, District Valuer with the Valuation Office appeared on behalf of the respondent.

In response to a question from the Tribunal in relation to the valuation history of the premises, Mr. Hicks said that at First Appeal in 1987, the rateable valuation of the subject premises was agreed at £45.00 and that this figure was reaffirmed in 1988 as due to a backlog in the Valuation Office there was an overlap with 1987 valuations. Mr. Hicks further explained that in 1990 there was a complete revision of premises in the Balbriggan area. Previously only occasional valuations had been carried out and the 1987 valuation on the subject premises would have been on a basis which dated back quite a number of years and would have been on direct comparison with other properties on the street. However once there was a complete revision the balance between all the properties was altered. Mr. Hicks said that the first floor was valued in 1987 at £35.00 and the ground floor at £45.00. As the first floor has now been agreed at £20.00 this

means that one of the 1987 valuations has been altered despite the fact that there was agreement in 1987. Mr. Hicks felt that although there has been no agreement in relation to the ground floor, the point is that the first floor has been reduced and the ground floor correspondingly increased. He proposed that £20.00 for the first floor and £65.00 for the ground floor is the appropriate Rateable Valuation.

In reply Mr. Power-Kelly said that the first floor was agreed in 1987 First Appeal at £15.00 and on revision in 1988 at £35.00. He said that his client had agreed the rates at the latter figure without having taken independent advice and also at a time when the property was vacant and the owners therefore entitled to a full rates rebate.

Mr. Power-Kelly commented on the comparisons adduced in his written submission. He described Bridge Street as being fairly narrow, with a steep hill and a high volume of traffic, high noise levels, dirt and dust. In comparison the Square further down the street is much wider and has better profiles for the shops on it. In relation to retailing, there is a substantial shopping centre which acts as a focal point and has good car parking facilities. Retail units on Quay Street which is the external street for the shopping centre are valued at £7.90 per square foot. In comparison the subject property is part of a terrace and lacks a specific profile and has the disadvantages already outlined above.

Mr. Hicks said in relation to the valuation theory of zoning, that much depends on the frontage of the premises, which in the case of the subject premises is quite substantial and that in fact the First National Building Society has a street impact of some 30 feet. Mr. Hicks adduced evidence in relation to No. 14, Bridge Street, a Dry Cleaners situated across the road from the subject premises. He said that the rent in 1987 was £75.00 per week at 300 square foot or £14.50 per square foot overall. Mr. Hicks further said that the comparisons adduced by Mr. Power-Kelly were not suitable as Quay Street was very much a side street, whereas the comparisons he himself had used on Dublin Street, Bridge Street, Drogheda Street were therefore subject to the same disadvantages in relation to heavy volume of traffic as the subject premises.

Mr. Power-Kelly said that the comparisons adduced by Mr. Hicks were approximately one-third of the size of the subject and that therefore a discount should be available.

Mr. Hicks explained that he had agreed the Credit Union Offices in Balbriggan at £10.00 per square foot overall and that this property is well away from the town centre and outside the main

commercial area. Having agreed to £10.00 on 1000 square foot of ground floor space he felt that some premium would have to be placed on the subject premises because of its location on Bridge Street. Mr. Hicks said that he had dealt with the valuation of one unit in the Quay Street Shopping Centre which had an actual passing rent of £24.00 per square foot. He felt that an enclosed Shopping Centre is an entity in itself and the rents within it do not compare well with other locations near by. He felt that the Quay Street Shopping Centre is not a successful one and said that the Quinnsworth unit is valued at £4.00 per square foot which is the lowest rate per square foot of any supermarket in the Dublin area.

Determination

The Tribunal has had regard to the numerous comparisons adduced by both parties and to the evidence of rental values in the Balbriggan area. Taking these matters into consideration and also the disadvantages which this property has in relation to parking facilities and a heavy volume of traffic, high noise levels, pollution and traffic congestion, the Tribunal determines that the correct Rateable Valuation for the property is £55.00.