

Appeal No. VA93/1/029

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

Campbells Shoe Repairs

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: House and shop at Map Ref: 25, Main Street, Dundrum, E.D. Dundrum-Sweetmount, Co. Dublin
Quantum

B E F O R E
Mary Devins

Solicitor (Acting Chairman)

Veronica Gates

Barrister

Paddy Farry

Solicitor

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 1ST DAY OF DECEMBER, 1993

By Notice of Appeal dated the 25th day of February, 1993 the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £67 on the above described hereditament.

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

"The Net Annual Value at the due date was not sufficiently high as to warrant a valuation of this magnitude."

The Property:

The premises is prominently located in the centre of Dundrum Village at the corner of Main Street and Ballinteer Road. It comprises an end of terrace, two-storey property with a small shop at ground floor level and with residential accommodation to the side and at first floor level. There is no rear yard and the accommodation comprises at ground floor level a shop, sitting room/kitchen and a bathroom, at first floor level three bedrooms and a bathroom.

The property is understood to be freehold.

Valuation History:

September/October 1981: The premises was revised and the valuation fixed at £23 (house and shop).

July/August 1991: The premises was revised as part of a general revaluation of commercial property in Dundrum, and the valuation was increased from £23 to £67.

August 1991: In August, 1991 an appeal was lodged against the revised valuation, as a result of which the Commissioner of Valuation affirmed his decision.

February 1993: Mr. Desmond Boyle, acting on behalf of the appellant appealed the R.V. of £67 to the Valuation Tribunal.

Written Submission:

On the 22nd July, 1993 a written submission was received from Mr. Desmond Boyle of Boyle Drohan & Company, Chartered Valuation Surveyors, acting on behalf of the appellant.

In his submission, Mr. Boyle described the property and its location. He also submitted that his estimate of rateable valuation for the property should be £48 to include £10 for residential accommodation. Mr. Boyle stated, that in his opinion, the rental value of the commercial element of the property was approximately £5,000 per annum in November 1988. He stated that comparisons for this are available from the rents passing on No.'s 2 and 3/4, Maher's Terrace.

He also set out details of three comparable properties in the vicinity and they are as follows:-

1) Tax & Finance Shop, 13 Main Street, Dundrum

Retail Shop in prime situation

Shop 149 sq.ft

Office 56 sq.ft.

205 sq.ft.

Rateable valuation of this retail unit agreed at £35

2) Lady in Waiting, 5 Pembroke Cottages, Dundrum

This property is in the same block of cottages as the subject property and is in retail use. The floor area is 57% larger, and the first floor is in office use.

Rateable Valuation agreed at £62

3) Dundrum Travel Limited, 4 Pembroke Cottages, Dundrum

Shop 212 sq.ft.

Office 80 sq.ft.

Rateable Valuation agreed at £30

A written submission was also received on the 26th July, 1993 from Mr. Jim Gormley, a District Valuer with 19 years experience in the Valuation Office, on behalf of the respondent.

Mr. Gormley set out details of the valuation history of the premises as referred to above and he also gave a brief description of the property and its location. Commenting on the grounds of appeal Mr. Gormley stated, in his submission, that the rateable valuation is fair and equitable when compared to similar properties in the vicinity.

He also said that the Net Annual Value of the shop is assessed at £30 per square foot which is not unreasonable for a small area (258 square feet) in a prominent corner location. Agreed assessments in the area, he said, range from £26 to £30 per square foot.

Mr. Gormley submitted that the freehold interest in the premises was purchased from the Bank of Ireland around 1984 for £44,000 and that it has since been extensively renovated including a new roof, insulation, extension at ground floor level and renovation of the shop. The total expenditure amounted to over £20,000, the occupier having carried out most of the work.

Mr. Gormley set out, in his submission, the basis for the rateable valuation of £67 as follows:-

Net Annual Value:

Shop	258ft ² @ £30* = £ 7,740
Residence	1,326ft ² @ £55 = <u>£ 2,860</u>
	£10,600

Rateable Valuation:

£10,000 x 0.63% = £66.78

Say £67

* Corner Shop, small area

He gave details of six comparisons of properties in the vicinity and these are attached to this judgment as Appendix A.

Oral Hearing:

At the oral hearing which took place in Dublin on 16th August, 1993, the appellant was represented by Mr. Desmond Boyle of Messrs Boyle Drohan & Company. Mr. Jim Gormley appeared on behalf of the appellant.

Mr. Boyle referred to his written submission dated 22nd July, 1993 and stated that his estimate of rental value as of November 1988 was in or around £5,000 per annum. He said that his estimate was based on rents passing on adjoining or neighbouring properties.

Mr. Gormley submitted that his estimate of N.A.V. at £30 per square foot for the shop part of the premises was not unreasonable for a small commercial unit in a good corner location. He said that average rental values of between £25 and £30 per square foot had emerged as a result of numerous agreed assessments in the Dundrum retail area.

While accepting Mr. Gormley's point that the retail part of the subject premises is small and in a corner location, nonetheless a N.A.V. of £30 per square foot does seem a little on the high side, particularly when on taking into account the serious traffic restrictions in the area and the fact that the property is not situated in the heart of the main retail area of Dundrum.

The Tribunal is not convinced that the subject premises would be expected to let for the values suggested by Mr. Gormley.

In the circumstances the Tribunal is of the opinion that the correct R.V. of the subject property is £58 i.e. £18 domestic and £40 commercial, and so determines.