

Appeal No. VA93/1/032

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

Dr. Ciaran Bent

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Surgery at Map Ref: 59.17 Main Street, Townland of Dundrum, E.D. Dundrum -
Kilmacud, Co. Dublin
Quantum

B E F O R E
Henry Abbott

S.C. 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 26th February, 1993 the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £60 on the above described hereditament.

The grounds of appeal as set out in the Notice of Appeal are that "the net annual value of the premises as at the relevant date was not sufficient to justify a valuation of £60".

The Property

The property is situated on the east side of Main Street, Dundrum in a row of red-bricked cottages formerly part of the Pembroke Estate. It is a modern premises in very good condition throughout having been modernised and extended in 1989 at a cost of £25,000. The accommodation is as follows:-

Ground Floor: 2 Surgeries, Waiting Room, Reception, Kitchen and Toilets.

First Floor: 2 Rooms.

Tenure is freehold.

Valuation History

The premises was first valued in May/June, 1988 as House and Surgery at a rateable valuation of £33.00. In July/August, 1991 the premises was revised as part of a general revaluation of commercial property in Dundrum and the rateable valuation was increased to £60.00. An appeal was lodged by Mr. Desmond J. Boyle on behalf of the occupier against the revised assessment of £60.00. The result of this appeal was that the Commissioner of Valuation affirmed his determination of the valuation at £60.00, and it is against this determination that the subject appeal now lies with the Tribunal.

Written Submissions

A written submission was received on the 22nd July, 1993 from Mr. Desmond J. Boyle a Chartered Valuation Surveyor and Principal of Boyle Drohan & Company on behalf of the Appellant.

With regard to the location of the property Mr. Boyle submitted that it is somewhat removed from the best area of Dundrum and on-street parking is not allowed at any stage outside the subject property. He said that the property comprises the original cottage premises together with a small extension to the rear. The ground floor was improved and extended in 1990 and comprises a doctors surgery and waiting room. The first floor comprises two small rooms which have not been altered from their original residential state. Access to the first floor is by a narrow staircase. The accommodation comprises:-

Ground Floor:

Reception Area with WC

Waiting Room	13'0" x 11'3"	146 Sq Ft
--------------	---------------	-----------

Consulting Room 1:	8'0" x 6'6"	52 Sq Ft
--------------------	-------------	----------

Consulting Room 2:	12'0" x 7'0"	84 Sq Ft
Consulting Room 3:	12'0" x 7'0"	<u>84 Sq Ft</u>
Net Floor Area		366 Sq Ft

First Floor:

Room 1:	11'6" x 13'0"
Room 2:	9'0" x 8'0"

In Mr. Boyle's opinion the Rateable Valuation of this property should be no more than £38.00. He said that he based this assertion on his opinion of Rental Value as at November, 1988 which is £6,000 per annum, and he gave details of three other properties in Dundrum which he was using as comparisons and these are set out below:-

1. **Tax & Finance Shop, 13 Main Street, Dundrum.**

Retail shop in prime situation.

Shop	149 Sq Ft
Office	<u>56 Sq Ft</u>
	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 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. In his submission Mr. Gormley set out the valuation history of the premises as detailed above, and, also gave a brief description of the property and its location.

Mr. Gormley set out the basis for his valuation as follows:-

<u>Ground Floor:</u>	ft²	
Original Ground Floor:	400}	
Added 1989:	247}	@ £13.50/ft ² = £ 8,734
<u>First Floor:</u>	265}	@ £3.00/ft ² = <u>£ 795</u>
		£ 9,529
	X 0.63%	= £60.00

OR

Valuation as Gargan's}
 Valuation as Ryan's } £62 each - 1991 First Appeal
 (Similar Premises)

Mr. Gormley included three comparative properties in this submission and details of these comparisons are set out as under:-

- David and Ann Ryan,
 Lot 60/16
 Shop and Store. R.V. £62.00 (1991 First Appeal)
 Freehold property next door to Appellant's, similar area and construction but condition very poor.

Ground Floor: Total Area: 712 ft² @ £13.50 = 9612

First Floor: 265 ft² @ £3.00 = 795
 10,407
 X 0.63% = £65.00

- Jennifer Gargan
 Lot 65/5
 R.V. £62.00 (1991 First Appeal)
 Located 6 doors away. Also one of Pembroke Cottages, similar area and construction.

Ground Floor: Total Area: 713 ft² @ £13.00/ft² = £9269

$$\begin{array}{rcl} \textbf{First Floor:} & 239 \text{ ft}^2 @ \text{ £3.00} & = \text{ £ 717} \\ & & \text{£9986} \end{array}$$

$$\text{X } 0.63\% = \text{ £62.00}$$

3. Dr. Louis Roche
 Lot 58/18
 R.V. £60.00 (£45.00 + £15.00)
 1991 Revision
 Located next door. Dentists Surgery

$$\textbf{Ground Floor:} \quad \text{Total Area: } 538 \text{ ft}^2 @ \text{ £13.50} = \text{ £7265 } @ \text{ 0.63\% } = \text{ £45}$$

$$\begin{array}{rcl} \textbf{First Floor:} & 215 \text{ ft}^2 @ \text{ 0.63\% } = & = \text{ £15} \\ & & \text{£60} \end{array}$$

A further submission commenting on Mr. Boyles submission and comparisons was received from Mr. Gormley on 4th August, 1993.

Oral Hearing

At the oral hearing of this appeal which took place on the 6th August, 1993 it was agreed between the parties that **Appeal No. VA/93/1/047 - Eamonn Davis -V- Commissioner of Valuation** would be heard simultaneously with this appeal.

Mr. Boyle said that the subject premises was in a row of cottages which were built about 100 years ago, a number of which have been converted to commercial use. He said that it was not at the commercial end of the Main Street in Dundrum.

Mr. Boyle said, that in his opinion, the rateable valuation on the subject should be no more than £38 and that he based this on the rental value as at November 1988 of £6,000 per annum.

Mr. Boyle said that he relied on Comparison No. 13 which was in the main run of the retail area and in a much better location in Main Street and that it had a valuation of £35 for an area of 205 square feet. The next best comparison, he said, was that used by Mr. Gormley also, Lady in Waiting, which was a retail premises with a much larger floor area and which had a rateable valuation of £62.

Mr. Gormley said that in calculating the rateable valuation on the subject premises he had approached it on the same basis as the other retail premises within the group of cottages. He said that he had treated them differently from the normal run of retail premises in that he had adopted a rate of £18.40 per square foot on a net area whereas in respect of other retail premises across the road the rate adopted had been between £26 and £30 per square foot. He said the reason he had done this was that there were restrictions on the development of these cottages and the lack of retail display frontage. He said he thought it was fair that premises of similar utilisable space with similar types of restrictions on them should have the same valuation on them, especially if they were located side by side and this is what he had done in the subject case.

Mr. Gormley said that of the premises in this row of cottages the subject premises was in by far the best condition.

Determination:

The Tribunal have considered the evidence adduced by both parties in this appeal. The evidence adduced with regard to the increasing traffic problems and general decline in Dundrum Village has been noted as has the evidence adduced by Mr. Gormley relating to the comparisons within the row of cottages known as Pembroke Cottages.

The Tribunal finds that taking these factors into account the rental values attributed to the subject premises by the Valuation Office are a little high. In the circumstances the Tribunal is of the opinion that the correct R.V. on the property is £55 and so determines.