

Appeal No. VA93/1/075

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

John Fogarty

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Shop and Store (ground floor) at Map Ref: 103f Rathgar Road, Rathmines West Ward,
County Borough of Dublin
Quantum

B E F O R E
Henry Abbott

S.C. Chairman

Paddy Farry

Solicitor

Brian O'Farrell

Valuer

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 6TH DAY OF OCTOBER, 1993

By Notice of Appeal dated the 3rd of March, 1993 the appellant appealed against the determination of the Commissioner of Valuation in fixing a Rateable Valuation of £55.00 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".

The Property

The property consists of a general grocery shop and store located in Rathgar village. There is car parking on this side of Rathgar Road all day after 9.30 am.

Written Submissions

A written submission was received on the 2nd September, 1993 from Mr. John C. Elliott F.S.V.A., F.I.A.V.I., A.C.I., Arb. of Elliott & Fitzgerald, Auctioneers, Estate Agents and Valuation Surveyors on behalf of the appellant. In the written submission, Mr. Elliott described the property and its accommodation, title, services and set out the valuation history. This written submission is appended to this judgement. Mr. Elliott stated that the subject was in good decorative order and repair and that he had assessed the N.A.V. having regard to the nature and location of the premises and the comparative evidence of tenements of a similar function. On that basis he calculated the Rateable Valuation as follows:-

Frontage 17' 1"

Zone 'A' 17' 1" X 20' 0" = 342 sq.ft. @ £17.64 p.s.f. = £ 6,032.88

Zone 'B' 17' 1" X 8' 2" = 139 sq.ft. @ £ 8.73 p.s.f. = £ 1,213.47

Store (1) 148 sq.ft. @ £ 4.00 p.s.f. = £ 592.00

Store (2) 55 sq.ft. @ £ 4.00 p.s.f. = £ 220.00

Gross Value **£ 8,058.35**

Adjusted Net Annual Value

making allowance for rates impact factor £ 950.30

Net Annual Value £ 7,108.05

Say £ 7,100.00

Rateable Valuation:

£ 7,100 X .63% = R.V. £44.73

Say £45.00

A written submission was received on the 6th September, 1993 from Mr. Desmond Feehan, a District Valuer with 31 years experience in the Valuation Office on behalf of the respondent. In the written submission Mr. Feehan commented on the grounds of appeal and said that the valuation was based on the letting value of the premises and that the letting value had been calculated by reference to recent established valuations nearby and actual rents had been taken

into account were available. He calculated the Rateable Valuation on the subject premises as follows:-

Shop:	Zone A - 361 ft ²	@	£20.00	=	£ 7220.00
	Zone B - 116 ft ²	@	£10.00	=	£ 1160.00
Store:	145 ft ²	@	£ 2.00	=	<u>£ 290.00</u>
					£ 8670.00

$$\text{N.A.V. } \pounds 8670 \times 0.63\% = \text{R.V.} = \pounds 55.00$$

Mr. Feehan also attached a list of comparisons recently revised in the area. The written submission is appended to this judgement.

Oral Hearing

The oral hearing took place here in Dublin on the 13th day of September, 1993. Mr. John C. Elliott partner of Elliott & Fitzgerald appeared for the appellant and Mr. Desmond Feehan of the Valuation Office appeared for the respondent.

Debate ensued in relation to the validity of the valuation approach taken by Mr. Feehan and the consideration of the Tribunal centred chiefly around the comparisons offered in the immediate vicinity of the premises and especially those shared by both valuers. A number of inconsistencies in the table of comparisons and estimates of N.A.V. set out on pages 4 & 5 of Mr. Feehan's precis were pointed out by the parties. It appears that a figure for estimated N.A.V. of £9,750 was used in the precis of Gareth Miller appeal and that the valuation was noted in the same appeal as £55,000 for the Edwin Mc Williams comparison (part 104), Comparison 2. Also Mr. Feehan indicated that his estimated N.A.V. for end of 1988 was £15,600 for the subject.

The Tribunal has nevertheless found the comparisons offered by the respondents to be reasonably accurate and finds that on examination the £15,600 N.A.V. does not relate to the actual valuation of £80.00 as calculated by Mr. Feehan. Mr. Elliott argued for his estimates of N.A.V. on the basis of the wider consideration of his comparisons which included comparisons outside the immediate vicinity of Rathgar. This appeal was considered with appeal reference **VA/93/1/74 - Thomas Collins -V- Commissioner of Valuation** and appeal reference **VA/93/1/67 - Kadia Ltd t/a The Vintry -V- Commissioner of Valuation** and this approach agreed by the parties has facilitated the consideration of the Tribunal of the overall position in Rathgar village where the subject is situated.

Findings

The Tribunal finds that this is a freehold premises in a line of shops in Rathgar village, details whereof are set out in the comparisons offered. The estimated N.A.V. for each of these comparisons is at least in some way and perhaps as much as can be established in most cases related to passing rent. For all practical purposes the valuation of the N.A.V. per square foot for the subject is the lowest of any of the properties analysed in the comparisons or in the premises, the appeals whereof have been heard, with the appeal of the subject. This treatment probably reflects the fact that the property is not as well maintained as perhaps other properties such as the Collins property in the village. As the appeals in the other properties have been heard with the appeal of the subject, the Tribunal is mindful of any reductions contemplated in respect of the other properties on appeal and considers that in its decisions in relation to the other properties a differential maybe allowed for the subject below the new standard set by the determination of the Tribunal. Nevertheless, even allowing for the continuation of such a differential the Tribunal can not find any reason to reduce the valuation of the subject. Accordingly, the Tribunal determines the valuation of the subject to be £55.00.