

Appeal No. VA93/2/008

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

**A.I.B. Bank, Dun Laoghaire**

**APPELLANT**

**and**

**Commissioner of Valuation**

**RESPONDENT**

RE: Bank and Yard at Map Reference: 103 Georges Street Upper, Ward: Dun Laoghaire East  
Central, Dun Laoghaire-Rathdown, Co. Dublin  
Quantum

**B E F O R E**

**Paul Butler**

**S.C. (Acting Chairman)**

**Brian O'Farrell**

**Valuer**

**Joe Carey**

**P.C. M.I.A.V.I.**

**JUDGMENT OF THE VALUATION TRIBUNAL**  
**ISSUED ON THE 14TH DAY OF FEBRUARY, 1994**

By Notice of Appeal dated the 17th day of May, 1993 the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £730 on the above described hereditament.

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

"the valuation is excessive, inequitable and bad in law."

**The Property:**

The property is situated on the east side of Georges Street Upper about 75 yards south of its junction with Royal Marine Road. The property immediately adjoins Dun Laoghaire Shopping Centre.

The property comprises a four-storey over part basement mid-terrace premises at front with single storey over basement extension at rear having a frontage of about 40 feet to Georges Street Upper and extending in depth to about 125 feet.

The property contains a banking hall with ancillary offices on the ground floor together with offices, toilet and cloakrooms on the first floor, further offices with canteen/kitchen on the second floor and stores/games room at top floor level. The basement contains a safe and securities stores. There is an entrance lobby at street level which contains a 24 hour A.T.M. which is accessible at all times.

**Valuation History:**

This property was listed by Dun Laoghaire Corporation for 1991/3 Revision with a request to "de-value old buildings and value any new developments". As a result of this Revision the new bank was valued and a valuation of £750 was established. At First Appeal the Commissioner reduced the valuation to £730. It is against this valuation that an appeal lies to the Valuation Tribunal.

**Written Submissions:**

A written submission was received on the 24th December, 1993 from Mr. Alan McMillan, an Associate of the Society of Chartered Surveyors and Director of the Firm of Messrs. Donal O'Buachalla & Company Limited, on behalf of the appellant

A written submission was received on the 21st December, 1993 from Mr. Denis Maher, a Valuer with 18 years experience in the Valuation Office, on behalf of the respondent. These submissions are attached to this judgment as Appendices 1 and 2.

**Oral Hearing:**

The oral hearing took place in Dublin on the 7 January, 1994. Mr. Alan McMillan appeared on behalf of the appellant and Mr. Denis Maher appeared on behalf of the respondent.

At the outset the Tribunal raised with Mr. Maher, the question of the purported agreement referred to in Mr. McMillan's submission. In answer Mr. Maher stated that this agreement was subject to the approval of the Commissioner and that approval was not forthcoming. The Tribunal is disregarding the said purported agreement.

It was evident from both written submissions and what was said at the oral hearing that the essential difference between the parties was in the valuation of the ground floor of this bank premises. The appellant adopted the zoning method by reason of the configuration of the premises and the respondent adopted an overall valuation per square foot.

A number of comparisons were referred to but it is clear that the best comparisons available were those of the Ulster Bank premises which are situate in the same complex and the premises of the Bank of Ireland across the road therefrom. Mr. McMillan submitted that in the case of the Ulster Bank, the ground floor area, Zone A, devalued at £35 per square foot and in the case of the Bank of Ireland premises, the ground floor area, Zone A, devalued at £30 per square foot.

Mr. Maher's essential argument was that in adopting the appellant's zoning method the valuation of the ground floor overall worked out at £10 per square foot and this was entirely out of tune with the comparisons which devalued at between £17 and £22 per square foot. Overall he did, however, agree in cross-examination that a zoning method was adopted in the case of the comparisons.

In so far as the remainder of the subject premises is concerned, Mr. McMillan, while proposing lower figures than Mr. Maher, indicated that he was not quarrelling with Mr. Maher's figures and that the essential difference related to the valuation of the ground floor area.

### **Determination:**

The Tribunal is satisfied that, by reason of the configuration of the subject premises, the zoning method is appropriate in seeking to value the ground floor area. It is further satisfied, having regard to the comparisons, that the respective rates of £35, £17.50 and £8.75 per square foot present a reasonable valuation of the subject premises. Taking these figures and the Commissioner's figures for the remaining area one would arrive at a rateable valuation of £520.

Having regard, however, to Mr. Maher's argument that this figure would throw up an anomaly having regard to the overall valuation per square foot of the comparative premises, the Tribunal determines a rateable valuation of £550.