

Appeal No. VA93/2/067

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

Thomas Lynch

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Shop at Map Ref: 8a, Townland of Lucan Demesne, E.D. Lucan-St. Helen's, R.D. Dublin-Belgard, Co. Dublin
Quantum

B E F O R E
Mary Devins

Solicitor (Acting Chairman)

Brian O'Farrell

Valuer

Paddy Farry

Solicitor

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 23RD DAY OF FEBRUARY, 1994

By Notice of Appeal dated the 27th day of May, 1993 the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £145.00 on the above described hereditament.

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

"in our opinion the Net Annual Value adopted by the appeal valuer is excessive and inequitable having regard to the 1986 & 1988 Valuation Acts. This property could not sustain the rental level which is being attributed to it".

The Property:

The property consists of a supermarket with stores to the rear located on the main street of the Village of Lucan. The accommodation is 1,485 square feet with stores of approximately 1,184 square feet. All main services are connected to the property.

Valuation History:

Prior to the revision of 1988 the property was valued at £125.00 and included both lots 8a and 8b and was described as house, shop, stores and yard. In 1988 the property was revised and two lots were created, the subject lot being lot 8a with an R.V. £90.00 and described as shop and stores. The 1988 revision figure was appealed and reduced to £85.00. The 1991 revision requested a revision and update of the property and this resulted in an increase in R.V. to £170.00 and a change in the description to shop, stores and yard. The figure of £170.00 was reduced to £145.00 at First Appeal and this valuation of £145.00 is now the subject of this Tribunal appeal.

Written Submissions:

A written submission was received on the 5th of November, 1993 from Mr. Peter G. O'Flynn M.I.A.V.I. of Messrs. Druker Fanning & Partners on behalf of the appellant. Mr. O'Flynn described the property and valuation history as set out above and set out his calculation of the appropriate rateable valuation on the subject premises as follows:-

Ground Floor Shop Zone A:	807 sq.ft. at IR£16.00 per sq.ft.
Zone B:	323 sq.ft. at IR£ 8.00 per sq.ft.
Zone C:	355 sq.ft. at IR£ 4.00 per sq.ft.
Rear Store	140 sq.ft. at IR£ 3.00 per sq.ft.
Outside Stores	1,000 sq.ft. at IR£ 1.00 per sq.ft.
Total Net Annual Value	= IR£18,336

In accepting the general ratio applied by the Commissioner of Valuation i.e. 0.63% my calculation of rateable valuation is:-

$$\text{NAV: IR£18,336 X 0.63\% = IR£115.51}$$

Say IR£115

A written submission was received on the 4th of November, 1993 from Mr. Colman Forkin, Chartered Valuation Surveyor with 12 years experience in the Valuation Office on behalf of

the respondent. In his written submission, Mr. Forkin set out his calculation of the appropriate rateable valuation on the subject premises as follows:-

Zone A:	807.3 sq.ft. @ £20.00 p.s.f.	=	£16,146
Zone B:	323 sq.ft. @ £10.00 p.s.f.	=	£ 3,320
Remainder:	355 sq.ft. @ £ 5.00 p.s.f.	=	£ 1,775
Stores:	1,184 sq.ft. @ £ 1.50 p.s.f.	=	<u>£ 1,776</u>
			<u>£22,927</u>
			SAY = £23,000
Est. N.A.V.:	£23,000 X 0.63% = £144.90	Say =	£145.00

Both valuers set out detailed comparisons in the Lucan area for the Tribunal's consideration.

Oral Hearing

The oral hearing took place on the 8th November, 1993. The appellant was represented by Mr. Peter G. O'Flynn M.I.A.V.I. in general practice with the Valuation Department of Messrs. Druker Fanning & Partners. The respondent was represented by Mr. Colman Forkin, a Chartered Valuation Surveyor with 12 years experience in the Valuation Office.

The precis of evidence submitted by Mr. O'Flynn and by Mr. Forkin were opened and considered by the Tribunal.

In evidence Mr. O'Flynn indicated that the valuation of the subject property was revised in 1988 from a level of £125.00 down to £85.00. There was a further review in 1991 which increased the valuation to £170.00, this valuation was reduced on appeal to £145.00, with the resulting appeal to the Valuation Tribunal, as the appellant thought the valuation was still excessive.

The appellant indicated that the comparisons contained in the precis would assist the Tribunal in coming to a determination.

Mr. O'Flynn indicated that Comparison No: 4, Toolan's Supermarket in the Main Street, Lucan Village, was the most relevant comparable premises to the subject premises. Toolan's premises is three doors away and both it and the subject premises are used as Supermarkets. Mr. O'Flynn produced photographs of the properties to the Tribunal. Mr. O'Flynn indicated that the ground floor of Toolan's shop consisted of 737 square feet which was devalued at

£16.00 per square foot. He indicated that Mr. Forkin's precis showed a devaluation of £20.00, and that the method of devaluing appeared to him to be the difficulty in this appeal. Mr. O'Flynn indicated that Mr. Forkin had made no allowance in his valuation of Toolan's for the fact that there were first floor offices in the premises and indicated that Mr. Forkin had in fact taken a 10% discount in respect of the first floor of the Toolan's premises which he, Mr. O'Flynn disagreed with because the first floor offices of Toolan's were used as offices, cashrooms and stores. Mr. O'Flynn indicated that there was no first floor attached to the subject premises. Mr. O'Flynn furthermore indicated that he would disagree with Mr. Forkin that the first floor of Toolan's was in a poor condition. He, Mr. O'Flynn, felt it was perfectly adequate for the use that it was put to, and that in fact the windows had been replaced with new windows to the front. Mr. O'Flynn argued that his devaluation of £16.00 per square foot in respect of the subject premises was reasonable as it had in fact a larger ground floor area than any of the other comparisons.

In respect of Toolan's premises Mr. Forkin argued that he had always indicated to Mr. O'Flynn that the basis on which he was valuing Toolan's was on the basis of £20.00 per square foot in respect of Zone A, £10.00 per square foot in respect of Zone B and £5.00 in respect of Zone C. He indicated that he had furthermore agreed an allowance of 10% as when he had inspected the premises in 1991 he was informed that the first floor of the premises was unsafe, and was not capable of being used, save for storage. Mr. Forkin argued that when he had visited Toolan's in 1991 the condition of the upstairs was poor and there were only empty boxes stored there. He indicated that he had agreed the valuation at £120.00 in respect of Toolan's with Mr. O'Flynn. Mr. O'Flynn argued that he disagreed with the analysis of the agreed valuation and that at the time the first floor was being used as cash office, office and as a store and that the subject property was being disadvantaged by Mr. Forkin failing to make allowance in respect of the first floor which was available and in use in Toolan's premises.

Determination:

Having regard to the evidence adduced by Mr. O'Flynn and Mr. Forkin and having regard to the precis of evidence submitted, the Tribunal is satisfied that there has been a fall-off in business in the Lucan Village area, because of the competition from Supermarkets in the hinterland. The Tribunal is furthermore satisfied that the best comparison between the subject property and any other property in the area is that of Toolan's. The Tribunal is satisfied that the first floor attaching to Toolan's is of use and value and that the subject property does not enjoy the benefit of a first floor.

Having regard to all of the circumstances, the Tribunal feels that on balance, a fair and reasonable valuation is £131.00 and so determines.