

Appeal No. VA93/2/072

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

Lucan Insurance Consultants Limited

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Offices at Map Ref: 81a, Townland of Lucan and Pettycannon, Ward of Lucan St. Helens,
R.D. Dublin - Belgard, Co. Dublin
Quantum

B E F O R E
Henry Abbott

S.C. Chairman

Paul Butler

S.C.

Joe Carey

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

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 30TH DAY OF SEPTEMBER, 1993

By Notice of Appeal dated the 27th May, 1993 the appellant appealed against the determination of the Commissioner of Valuation in fixing a Rateable Valuation of £60.00 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 and 1988 Valuation Acts. This property could not sustain the rental level which is being attributed to it."

The Property

The premises comprise the ground and first floor currently occupied by Lucan Insurance Consultants Limited at Main Street, Lucan, Co. Dublin and is located at the junction of the Leixlip Road and Main Street in Lucan. It is a two storey office building with car parking to the front and a large enclosed yard to the rear. The ground and first floor offices have a similar area of 463 square feet. All main services are connected to the property. The premises, formerly a residential house, is constructed of a traditional mixed masonry and random rubble walls. Pebbledash finish to the front elevation, suspended timber floors, timber framed sliding sash-windows and timber panelled doors and a single apex timber roof with natural slate covering.

Valuation History

Prior to 1991 revision of valuation the property was valued at £45.00 and was described as 'Ho. (offices) and Yard'. In 1991 a request was received from Dublin County Council to 'Revise and update' the valuation. This revision resulted in an R.V. of £80.00 and an amended description to 'Offices and Yard'. This valuation was appealed to the Commissioner of Valuation and subsequently reduced to £60.00 and the description amended to 'Offices'.

Written Submissions

A written submission was received on the 14th September, 1993 from Mr. Peter G. O'Flynn of Messrs. Druker Fanning & Partners representing the appellant. In his submission, Mr. O'Flynn said that the Valuation Office has valued the ground floor at £12.00 per square foot and the first floor at £9.00 per square foot giving a Net Annual Value of £9,700 per annum. He said that in his opinion if the premises were placed on the Open Market there would be very little interest in them and they certainly would not achieve a rental level in excess of £9,700. Modern office space in the centre of Dublin, he said, was currently making in the region of £10.00 to £12.00 per square foot for brand new space incorporating raised floors and open plan offices and that the subject premises could not be compared favourably with these modern office developments. In his opinion a fair rateable valuation for the subject premises in accordance with Section 5 of the Valuation Act, 1986 is £45.00 and he gave a breakdown of this as follows:-

"Ground Floor Offices

463 sq.ft. @ IR£8.50 per sq.ft.

First Floor Offices

463 sq.ft. @ IR£7.00 per sq.ft.

which is equalled to £7,176.50.

In accepting the general ratio applied by the Commissioner of Valuation, i.e. .63% my calculation of rateable valuation is £7,176.50 X .63% = IR£45.21, say IR£45."

A written submission was also received on the 6th September, 1993 from Mr. Colman Forkin, Chartered Valuation Surveyor with 12 years experience in the Valuation Office on behalf of the respondent. In this written submission, Mr. Forkin commenting on the appellant's grounds of appeal said that an estimate of N.A.V. of £9,400 was arrived at by taking a rent of £10.00 per square foot for the ground floor and £8.00 per square foot for the first floor, and an additional figure of £1,000 was allowed for the car parking and large yard, and he said that the above rates are similar to those used in his comparisons two of which were represented by Druker Fanning & Partners. In his submission, Mr. Forkin gave a breakdown of the Rateable Valuation of £60.00 as follows:-

Offices: Gr. Fl.:	463 sq.ft.	@	£10.00 p.s.f.	=	£ 4,630.00
1st Fl.:	463 sq.ft.	@	£ 8.00 p.s.f.	=	<u>£ 3,704.00</u>
					£ 8,334.00
Add for Car Parking and Yard SAY				=	<u>£ 1,000.00</u>
					£ 9,334.00
			SAY	=	£9,400.00

Est. N.A.V.: £9,400 X 0.63% = £59.22 SAY = **£60.00**

The written submissions are attached to this judgement as Appendices A and B.

Oral Hearing

The oral hearing took place here in Dublin on the 15th day of September, 1993. Mr. Peter G. O'Flynn of Messrs. Druker Fanning & Partners appeared for the appellant and Mr. Colman Forkin appeared for the respondent.

Mr. O'Flynn set out his arguments that the N.A.V. suggested by Mr. Forkin was too high. He also instanced the fact that Mr. Forkin changed the basis of his valuation by reducing the rate per square foot but adding in £1,000 in respect of the car parking at the front.

Mr. Forkin added in his evidence that half the upstairs of the first floor portion of the premises was let for £3,000 per year on the basis that the landlord paid the rates. This letting after an allowance for rates amounted to approximately £8.00 per square foot. It appeared that the lessee

had the right to use the car park at the front. The Tribunal considers that this letting corroborates Mr. Forkins original view of the N.A.V. per square foot for the premises but also indicates that this original view would have incorporated within it the value of the car park in front. The Tribunal, therefore, considers that it is not appropriate to separately value the car park for the purpose of adding same into the N.A.V. overall as the actual passing rent incorporates a rent for same.

Accordingly, the Tribunal proposes to reduce the valuation bearing in mind the foregoing considerations and determines the valuation of the subject to be £54.00.