

Appeal No. VA93/3/009

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

Westward Dublin Limited

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Offices at Map Reference: 46 Parnell Square West, Ward: Rotunda, County Borough of Dublin
Quantum

B E F O R E
Henry Abbott

S.C. Chairman

Paul Butler

S.C.

Veronica Gates

Barrister

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 25TH DAY OF MARCH, 1994

By Notice of Appeal dated the 29th day of July, 1993 the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £100 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 located on the west side of Parnell Square in the heart of Dublin City. It comprises a four storey over basement period house which at the valuation date was devoted to office use. The hereditament consists of the basement, ground, second and third floor of the house with the 1st floor being occupied and valued separately.

Valuation History:

The property was valued in 1978 when the entire building was valued at £120 and described as **offices**. Following the 1991 revision the valuation was divided between the first floor and the remainder of the building. The first floor which was occupied separately was valued at £20 while the remainder of the building was valued at £100. The appeal arises from this assessment (re: R.V. £100) which was unchanged at First Appeal stage.

Written Submissions:

Mr. Patrick J. Nerney, Rateable Valuation Consultant, Valuer and Auctioneer, presented a written submission dated 31st December, 1993.

Mr. Nerney set out his calculation of the rateable valuation on the subject premises as follows:

Basement	1,282 sq.ft. @ £0.80 = £1,026
Ground Floor	1,282 sq.ft. @ £2.50 = £3,205
Second Floor	650 sq.ft. @ £1.75 = £1,138
Third Floor	650 sq.ft. @ £1.50 = <u>£ 975</u>
Net Annual Value:	£6,344

Taking R.V./N.A.V. @ 0.63%

R.V. = £6,300 @ 0.63% = £40

Mr. Patrick Conroy, a District Valuer with 20 years experience in the Valuation Office, presented a written submission dated 12th January, 1994.

Mr. Conroy set out his calculation of the rateable valuation on the subject premises as follows:

Basement	1,282 sq.ft. @ £ 4.00 = £ 5,128
Ground Floor	1,282 sq.ft. @ £10.00 = £12,820
Second Floor	650 sq.ft. @ £ 4.00 = £ 2,600

Third Floor	650 sq.ft. @ £ 2.00 = <u>£ 1,300</u>
	£21,848

@ 0.63% = £137.00

or 3,864 sq.ft. @ £5.68 per square foot

Oral Hearing:

The oral hearing took place in Dublin on the 24th January, 1994. Mr. Padraig Kelly, Solicitor, appeared on behalf of the appellant and Mr. Patrick Conroy appeared on behalf of the respondent. Mr. Patrick Nerney and Mr. James Callery of the appellant company also gave evidence.

Mr. Nerney referred to his written submission in some detail. He said that many of the comparative premises offered by the respondent are in designated areas whereas the subject premises is not. The entire building (save for the first floor) has been largely vacant since 1987, and it has not been possible to let the same. Both Mr. Nerney and Mr. Callery referred to difficulty created by the fact that there are bus stops outside the premises leading to a serious litter problem in the basement thereof.

The only comparative evidence offered on behalf of the appellant was that of the first floor of the subject premises. Letting thereof devalued at £4 per square foot. Mr. Nerney submitted to the Tribunal that the letting value of the first floor of the subject premises was greater than that of the ground floor.

Mr. Conroy, on behalf of the respondent, also referred to his written submission in detail and he went through each of his comparisons. He would not accept the proposition that the letting value of the ground floor could be less than that of the first floor and said that in his view the same should be greater.

Mr. Conroy in particular referred to his valuation at Page 5 of his submission. He gave a letting value in respect of the basement, ground floor, second floor and third floor at £4, £10, £4 and £2 respectively per square foot. This produced a net annual value of £21,848, giving a rateable valuation of £137. The premises had been valued at £100. Mr. Conroy, in view of this fact and in view of the fact that the premises has been vacant, allowed considerable reduction in his valuation bringing the same back to £100. This reduction reflects a letting value of £2.88, £7.20, £2.80 and £1.44 per square foot on the basement, ground floor, second floor and third floor respectively.

Determination:

The Tribunal must have regard to the clear comparative evidence offered. In particular two comparisons on the same street were offered by the respondent, the same having been revised in 1993. If one were to take these comparisons alone, rateable valuation of the subject premises would be much higher than that fixed by the Commissioner.

The Tribunal is satisfied that due regard has been had to the disadvantages of the subject premises and to the fact that the same has been vacant. The Tribunal affirms the rateable valuation at £100.