

Appeal No. VA94/1/005

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

Ulster Bank Limited

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Bank at Map Reference: 10/1, Dublin Road (Clarkville Terrace), Townland: Palmerstown Lower, Village of Palmerstown, Ward: Palmerstown West, Co. Dublin
Quantum - Change in circumstances of location due to Lucan bypass

B E F O R E

Henry Abbott

S.C. Chairman

Veronica Gates

Barrister

Brid Mimmagh

Solicitor

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 16TH DAY OF DECEMBER, 1994

By Notice of Appeal dated the 28th day of April, 1994 the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £135 on the above described hereditament.

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

- "(1) The valuation is excessive and inequitable.
- (2) The valuation is bad in law."

The Property:

The property comprises a free-standing purpose-built concrete framed, part single and part two-storey, formerly residential, bank premises with infill walls of concrete block and brick, concrete floors and flat roofs. The premises dates from the late 1960's.

The accommodation comprises:-

Ground Floor: Banking hall, manager's office, machine room, strong room, toilets and A.T.M..

First Floor: Kitchen, three store rooms (machine room cum office).

All main services are connected to the property.

The property is located at the edge of Palmerstown Village on the old Lucan Road close to Palmerstown House (Pub and Restaurant) and numerous retail outlets. With the advent of Palmerstown by-pass, this section of Palmerstown Road became a cul-de-sac with the sole access via Kennelsfort Road.

Valuation History:

This property was valued at 1969 Revision at R.V. £275. On 1969 First Appeal two separate Lots 1 and 1a were made. Lot 1a, which consisted of offices and workshop at rear of bank, was valued at R.V. £60. The remainder of the valuation Lot 1 was struck out as bank was not completed on appropriate date, i.e. 1/3/1969. The lot was not again revised until 1976 Revision.

At 1976 Revision, the R.V. was fixed at £150. At 1976 First Appeal this figure was reduced to £135.

Written Submissions:

A written submission was received on the 31st August, 1994 from Mr. Alan McMillan, A.R.I.C.S., an Associate of the Society of Chartered Surveyors and Director of Donal O'Buachalla & Company Limited, on behalf of the appellant.

In the written submission Mr. McMillan set out the valuation history of the subject premises, a description of the property, and his estimate of rateable valuation as follows:-

<u>Ground Floor</u>	Bank Hall	890 sq.ft. @ £10.00 = £ 8,900
---------------------	-----------	-------------------------------

Balance	432 sq.ft. @ £ 8.00 = £ 3,456
[or, overall	1,322 sq.ft. @ £ 9.35]

<u>First Floor</u>	537 sq.ft. @ £ 4.00 = £ 2,148
	N.A.V. £14,504

R.V. @ 0.63% = £91

say £90

Mr. McMillan stated that the kernel of the appeal centred on the dramatic change in circumstances which occurred with the arrival of the Palmerstown by-pass. He said that previously the bank enjoyed a location between Chapelizod and Palmerstown Villages, fronting a busy single carriageway National Primary Route N4. He said that this afforded a high degree of prominence and visibility with good access and a high level of passing traffic, a successfully commercial banking environment. Now, he said, it is located in a cul-de-sac, on the wrong side of a "No Through Traffic" sign and invisible from the by-pass.

He also said that the bank was removed from the local retail precinct centred on Kennelsfort Road which serves as the sole access from Palmerstown Road to the by-pass. He said that thus the trading environs of the bank have shrunk, the opportunity for passing or occasional business had evaporated and essentially the bank was beached. He said that these changes were unique in their severity.

Mr. McMillan offered a schedule of comparisons of premises in the area and these are summarised below:-

- 1) **Irish Nationwide Building Society, Palmerstown Village**
R.V. £26 (92/4)
Analysis - 325 sq.ft. @ £12.70

- 2) **Centra Store (Francis Geraghty)**
R.V. £85 (92/4)
Analysis - Ground Floor Shop - 1,503 sq.ft.
Stores - 668 sq.ft.
2,191 sq.ft. @ £5.50 psf = £12,050

- First Floor, Offices,
Stores & Canteen 441 sq.ft. @ £3.00 psf = £ 1,323

£13,373

R.V. @ 0.63% = £85

- 3) **A.I.B. Ballymun**
R.V. £95 (1990/2)
Analysis - 2,152 sq.ft. @ £7.00 psf
- 4) **A.I.B. Ballyfermot**
R.V. £210 (90/1)
Analysis - Ground Floor Bank 2,062 sq.ft. @ £14.00
First Floor Offices 946 sq.ft. @ £ 5.00
- 5) **Ulster Bank, Tallaght**
R.V. £160 (91/3)
Analysis - Ground Floor Bank 1,603 sq.ft. @ £15.00
First Floor Offices 240 sq.ft. @ £ 6.00
- 6) **A.I.B., Lucan**
R.V. £300 (91/3 Valuation Tribunal Appeal)
Analysis - Ground Floor Bank 2,975 sq.ft. @ £14.93
- 7) **Bank of Ireland, Lucan**
R.V. £140 (91 First Appeal)
Analysis - Ground Floor 1,055 sq.ft. @ £18.50
First Floor 600 sq.ft. @ £ 5.00
- 8) **Irish Permanent Building Society, Lucan Village**
R.V. £103 (91 First Appeal)
Analysis - Ground Floor 1,036 sq.ft. @ £15.75
- 9) **E.B.S., Lucan Village**
R.V. £48 (91/3 First Appeal)
Analysis - 474 sq.ft. @ £16.00
- 10) **Bank of Ireland, Cabra**
R.V. £85 (93/4)
Analysis - Ground Floor Bank etc. 932 sq.ft. @ £12.00
First Floor Offices 266 sq.ft. @ £ 7.00

A written submission was received on the 30 August, 1994 from Mr. Tom Stapleton, Valuer with over 30 years experience in the Valuation Office, on behalf of the respondent.

In the written submission Mr. Stapleton gave details of the valuation history of the subject property and described the property in terms of its location, accommodation and services. He set out his calculation of the rateable valuation on the premises as follows:-

Bank - Ground Floor	1,320 ft ² @ £14.25 psf	=	£18,810
First Floor	537 ft ² @ £ 5.00 psf	=	<u>£ 2,685</u>
			£21,495
	N.A.V. £21,500		
	R.V. take 0.63%	=	£135.45
	R.V.	=	£135.00

Commenting on the appellant's grounds of appeal Mr. Stapleton said that Dublin County Council and not the agent had listed the premises for revision. He also said that the points raised by Mr. McMillan in the subject appeal had been taken into account in arriving at a net annual value of the premises.

Mr. Stapleton offered six comparisons of banks and building societies in the general area. These are summarised below:-

- 1) **A.I.B., Lucan**
R.V. £300 - Determined by Tribunal
2,975ft² @ £16.00 psf = £47,600
Est. N.A.V. £47,600 @ 0.63% = £300

- 2) **Bank of Ireland, Lucan**
R.V. £140 (1991 First Appeal)
Ground Floor Area 1,055ft² @ £18.50 psf = £19,517
First Floor Area 600ft² @ £ 5.00 psf = £ 3,000
£22,517
Est. N.A.V. £22,500 @ 0.63% = £141.75
R.V. = £140.00

- 3) **Irish Permanent Building Society, Lucan**

R.V. £103 (1991 First Appeal)

Ground Floor Area 1,036ft² @ £16.00 psf = £16,576

Est. N.A.V. £16,576 @ 0.63% = £104.42

R.V. = £103.00

4) A.I.B., Clondalkin

R.V. £410

Ground Floor - P.O.	1,895ft ² @ £20.00 psf	
Office	872ft ² @ £20.00 psf	
Strong Room	226ft ² @ £20.00 psf =	£59,860

First Floor - Offices, Canteen & Store	828ft ² @ £ 6.00 psf=	<u>£ 4,968</u>
	Say =	£65,000

Est. N.A.V. £65,000 @ 0.63% = £409.50

R.V. = £410.00

5) First National Building Society, Clondalkin

1991 First Appeal

Area - 847ft² @ £18.75 psf = £15,881

Est. N.A.V. £15,880 @ 0.63% = £100.00 R.V.

6) Educational Building Society, Clondalkin

R.V. £145

Offices	1,291ft ² @ £16.25 psf	=	£20,978
Store (Yard)	687ft ² @ £ 3.00 psf	=	<u>£ 2,061</u>
			£23,040

Est. N.A.V. £23,000 @ 0.63% = £144.90

R.V. = £145.00

Oral Hearing:

The oral hearing took place in Dublin on the 7th day of September, 1994. Mr. Alan Mc Millan appeared for the appellant and Mr. Tom Stapleton appeared for the respondent.

Arguments were made by Mr. McMillan in relation to the poor location of the property as set out in his precis. He laid emphasis on the fact that the cul-de-sac created by road works where the subject is situate is an artificial creation without garda barracks or much of the

basic village infrastructure. It is greatly hampered by a hazardous single entrance from a very busy National Route which is also plagued by heavy commuter traffic. He did admit that Stewarts Hospital and some industrial development on either side of the cul-de-sac did assist somewhat in providing a commercial environment. He added, that, the isolated location of the bank made it unsuitable for large cash lodgements as potential customers in that area felt unsafe in relation to the isolation and also in relation to the fact that potential assailants and robbers had an escape route on foot across to the dual carriageway which would make hot pursuit well-nigh impossible. He argued that the commercial centre of gravity of the community had moved over to the south of the National Route and that premises in the village found it difficult to trade. Mr. Stapleton argued that he had taken Mr. McMillan's submissions into account in fixing the rateable valuation and argued strongly that the decision of the Tribunal in the A.I.B. Lucan case showed a good comparison with the subject. The parties debated all the comparisons set out in the two precis.

Findings:

The Tribunal finds as follows:-

- (a) The subject is standard commercial property, notwithstanding some argument that room shapes are not satisfactory.
- (b) The location of the cul-de-sac has deteriorated commercially since major roadwork's cut it off from the major traffic flows of the National Route and much of its commercial and residential hinterland stretching south from the National Route.
- (c) The subject does seem to have some commercial life, however, stemming principally from the extensive activities of Stewarts Hospital and the number of industrial operations within the area of the cul-de-sac and the significant residential suburban accommodation cut off with it.
- (d) The best comparisons offered are the local comparisons of Irish Nationwide Building Society, Palmerstown Village analysed at £12.70 per square foot and the A.I.B. Lucan.
- (e) The Tribunal considers that the Lucan comparisons are situated in a village which is cut off similarly from the main road but which is served comprehensively by a series of roads which are much more suitable to provide access and egress from the village onto the National Route and also have the benefit of a much larger natural hinterland in any event.

Having regard to the foregoing and all of the evidence offered the Tribunal finds that the rateable valuation of the subject premises is £120.00.