

Appeal No. VA94/2/018

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

Joseph Brennan

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Shop at Map Ref: 20, South Anne Street, Ward: Mansion House, County Borough of Dublin

Quantum - Passing rent, location, previous valuation

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 10TH DAY OF MARCH, 1995

By Notice of Appeal dated the 27th July, 1994, the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £105 on the above described hereditament.

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

- "1. Reduced volume of business, e.g. one employee now as against three two years ago.
2. You doubled my valuation when I put in new shop front from £45 to £90.
3. My valuation is much higher than the surrounding premises.
4. Anne Street is now a loading area for Grafton Street to our disadvantage."

The Property:

The property comprises a lock up shop to ground floor on South Anne Street close to the Dawson Street end.

The shop is irregular in shape with lofted stores to rear, further storage to basement.

Frontage to South Anne Street is c. 16 feet.

Valuation History:

The shop to ground floor was originally valued at £45 on 1983 revision, following improvements the R.V. was increased to £90. The property was listed for revision in 1993 and the R.V. was increased to £110. On 1993/3 First Appeal the R.V. was reduced to £105. It is against this determination that an appeal lies to the Tribunal.

Tenure:

The property is held under lease for 35 years from October 1982 with 5 year reviews at £12,000 p.a.

There were no increases on review in 1987 or 1992.

Written Submissions:

Mr. Anthony Burke, Solicitor on behalf of Mr. Brennan submitted by way of written submission a list of premises in Duke Street and South Anne Street and their comparable rateable valuations.

A written submission was received from Mr. Malachy Oakes, District Valuer with 20 years experience in the Valuation Office on behalf of the Respondent. In the written submission Mr. Oakes described the property, its tenure and valuation history.

He set out his assessment of the rateable valuation on the subject premises as follows:

a)	Shop:	411 square feet		
b)	Rear Stores:	113 square feet		
c)	Basement Stores:	413 square feet		
a)	Shop - Zone A:	320 square feet @ £45.00	=	£14,400
	Shop - Zone B:	91 square feet @ £22.50	=	£ 2,047
b)	Stores:	113 square feet @ £ 4.00	=	£ 452
c)	Basement:	413 square feet	=	_____

£16,899

Say = £16,750

N.A.V. - Say = £16,750

R.V. @ 0.63% = £105.00

Mr. Oakes offered three comparison in South Anne Street, which are summarised below:

A) No. 21 South Anne Street. R.V. £110.00

N.A.V. fixed at £17,000 on revision : short term letting expired in 1993 at £10,000 p.a.

N.A.V. devalues as follows:-

Ground Floor Shop: 376 square feet @ £45.00 = £16,920

B) No. 17 South Anne Street. R.V. £90.00

N.A.V. £14,000 fixed on Revision. Let on 35 year X 5 year reviews lease from 1/11/82. Reviewed on '87 Revision £10,435.

N.A.V. devalues as follows:-

Ground Floor Shop: Zone A: 164 square feet @ £50.00 = £ 8,200

C) No. 22 South Anne Street. R.V. £100.00

N.A.V. fixed on Revision at £15,900. No lease details.

N.A.V. devalues as follows:-

Ground Floor Shop: Zone A: 253 square feet @ £52.00 = £13,165

Oral Hearing:

The oral hearing took place in the Tribunal Offices on the 28th November 1994. Mr. Anthony Burke, Solicitor appeared with Mr. Brennan, appellant and Mr. Malachy Oakes, Valuer appeared for the respondent. Mr. Brennan gave evidence that the location of the premises was inferior and that it was used as a loading appendage of Grafton Street. The location was on the wrong end of the street to take any benefit from expected spill-over of the Grafton Street buoyancy in trade. In addition the landlord of this premises and certain other

premises in the vicinity had allowed the block of property which he owned in the immediate vicinity to deteriorate.

The Landlord's lack of insistence on increasing rents reflected this general deterioration of the location. Mr. Malachy Oakes pressed his methodology having regard to comparable premises, but he conceded that a rather strange situation pertained in relation to the overall management of the property by the landlord, and that this affected the value of the location. He conceded that the subject was not in the "good end" of South Anne Street, but did say that he had made allowance for this in his estimation of N.A.V.. He submitted that his N.A.V. reflected the local tone of the list for that end of the street.

Determination:

The Tribunal is mindful that the passing rent for this premises is less than the N.A.V. estimated by Mr. Oakes. The Tribunal is influenced by this factor and also by the fact that there was general agreement of both parties that, due to the particular tenure of the property and its location, it was not as valuable as other property on the street. The Tribunal notes that the original valuation prior to the revision culminating in the present appeal was £90.00 and for the reasons advanced by the appellant, determines the valuation to be £90.00.