

Appeal No. VA94/3/070

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

Daniel J. O'Donoghue

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Surgery at Map Ref: 3E/5 Townland: Shean Lower, E.D. Blarney, R.D. Cork Upper, Co. Cork

Quantum - Comparisons

B E F O R E

Henry Abbott

S.C. Chairman

Veronica Gates

Barrister

Patrick Riney

F.R.I.C.S. M.I.A.V.I.

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 16TH DAY OF MAY, 1995

By Notice of Appeal dated the 1st day of November, 1994 the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £19.00 on the above described hereditament.

The grounds of appeal as set out in the Notice of Appeal are that "rates were increased threefold since moving surgery premises although new surgery is only slightly bigger than previous one and practice list remains at same figure and there is no increase in size of practice as mine is a professional service and is not influenced by change in location of premises - so there is no justification in huge rates increase."

The Property:

The property is one of five ground floor units in Ashdale House, a new two storey cut stone, brick and slate development on the Cork side of Blarney, between the new filling station and Shamrock Terrace. This unit, No. 5, is a surgery of gross internal area of 477 square feet. Gross frontage is 4 metres. It is the only unit that was purchased outright.

Written Submissions:

A written submission was received on the 28th April, 1995 from Dr. Daniel G. O'Donoghue, M.B. on his own behalf. In his written submission, Dr. O'Donoghue said that the level of rate payment demanded increased 150% compared to the previous years payment on former surgery premises. He said his list remains the same, between 550 and 600 patients. He said that the surgery is not comparable to commercial premises as basically surgery is a location for professional service where patients attend on a lifelong basis, irrespective of location of surgery centre. He said that were the level of rates levied on change in surgery size only then a small increase would be justifiable as area of new surgery is approximately 10% larger than former surgery. He said that the new surgery was never officially measured by officials before rates were determined.

A written submission was received on the 11th April, 1995 from Mr. Terry Dineen, District Valuer in the Valuation Office with 20 years rating experience in the Cork Area. Mr. Dineen said that this development was an attractive one enhanced by 30 tarmac car spaces in front. He said that parking in the village centre is often a problem. Mr. Dineen said that the town of Blarney had a large and growing population and a huge tourist trade. He said that access to and from Cork city had improved significantly with the mid 1994 opening of the last section of the new Cork Mallow road. He said that Zone A level in the prime shopping area of Blarney is £20.00 per square foot. He said that Dr. O'Donoghue's previous valuation was for a adapted garage on a housing estate, the area there was 220 square feet against 370 square feet here. He said that it was the property that was being valued and not the business and that reliance was therefore placed on rental values within Ashdale House. He said that the subject premises was not rented but purchased and the price in late 1993 was not disclosed.

Mr. Dineen gave details in his written submission of rents on the other four ground floor units and summarised the Zone A rents as follows:-

- (1) Unit 1 - £16.78
- (2) Unit 2 - £13.71
- (3) Unit 3 - £14.28
- (4) Unit 4 - £12.80 was £13.79

He said that in these circumstances, £12.00 for November, 1988 (Zone A) was considered reasonable and subject was valued accordingly.

Mr. Dineen set out his rateable valuation on the subject premises as follows:-

"Zone A:	263 sq.ft.	@	£12.00 =	£3,156
Zone B:	107 sq.ft.	@	£ 6.00 =	<u>£ 642</u>
N.A.V.:				£3,798

R.V.:	£3,798 x .5%	=	£19.00
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The average rent is £10.00 per square foot."

Oral Hearing:

The oral hearing took place in City Hall, Cork on the 16th day of May, 1995. The appellant appeared in person and Mr. Terry Dineen appeared for the respondent. The appellant gave evidence in accordance with his precis and emphasised in addition that there were units vacant. It transpires that these units were upstairs. He also mentioned that a tool shop closed down beside him. However, this unit is now let again. The appellant laid great emphasis on the fact that his practice was subject to the parameters of the GMS, and that he was not allowed to increase his prices. He stated that the advantages of tourism did not result in any better turnover for doctors, and would be at a hinderance in sofar as much development was prohibited in the Blarney area.

It emerged that there was a small window in the premises, but this did not take from the general capacity of the premises to cater for high street activities such as hairdressing, auctioneers or building society premises.

Findings:

The valuation in this case must bear a relationship to the other premises in the block and the respondent has set out the passing rents of the comparisons which are all in the same development. The valuations of such premises also have a consistency with the proposed valuation of the subject. The Tribunal is constrained to have regard to the comparisons and consequently affirms the valuation at £19.00.

