

Appeal No. VA95/1/035

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

Centre of English Studies

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Offices and School at Map Ref: 31, Dame Street, Ward: Royal Exchange, County Borough of Dublin

Quantum - Absence of lift

B E F O R E

Fred Devlin

FRICS.ACI Arb. (Acting Chairman)

Brid Mimmagh

Solicitor

Con Guiney

Barrister

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 9TH DAY OF FEBRUARY, 1996

By Notice of Appeal dated the 18th April, 1995 the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £200 on the above described hereditament.

The grounds of appeal as set out in the Notice of Appeal are that "the valuation is excessive and inequitable when rental levels are taken into consideration".

The Property:

The premises comprises offices and school on ground, first, second, third and basement floors. The property is in a good location and is in good repair. The property was purchased in 1990 for £378,000.

Valuation History:

Following a request from Dublin Corporation to revise as necessary the rateable valuation was unchanged at £225. At First Appeal the valuation was reduced to £200. It is against this determination of the Commissioner of Valuation that an appeal lies to the Tribunal.

Written Submissions:

A written submission was received on the 11th January, 1996 from Mr. Tadhg Donnelly, MIAVI of Brian Bagnall & Associates on behalf of the appellant. In his written submission, Mr. Donnelly set out details of the location and described the subject property.

Mr. Donnelly set out his calculation of the rateable valuation of the subject property as follows:-

"Basement

Offices	367 sq.ft.	@	£5 p.sq.ft.	=	£ 1,835
Kitchen	72 sq.ft.				
Safe Room	60 sq.ft.				
Store	45 sq.ft.	@	£2 p.sq.ft.	=	£ 90

Ground Floor

Reception Area	240 sq.ft.	@	£15 p.sq.ft.	=	£ 3,600
Front Office	600 sq.ft.	@	£10 p.sq.ft.	=	£ 6,000
Rear Office	225 sq.ft.	@	£10 p.sq.ft.	=	£ 2,250
Filing Room	140 sq.ft.	@	£10 p.sq.ft.	=	£ 1,400

First Floor

Offices	922 sq.ft.	@	£7 p.sq.ft.	=	£ 6,454
---------	------------	---	-------------	---	---------

Second Floor

Offices	584 sq.ft.	@	£5 p.sq.ft.	=	£ 2,920
---------	------------	---	-------------	---	---------

Third Floor

Offices	657 sq.ft.	@	£4 p.sq.ft.	=	£ 2,628
			Net Annual Value	=	£27,177
			@ .63%	=	£171

Say £170"

Mr. Donnelly also set out details of two comparisons as summarised below:-

- (1) **Impac Limited**, 37 Dame Street, Dublin 2
1988 First Appeal.

Ground Floor

Front Offices	376 sq.ft.	@	£15 p.sq.ft.
Rear Offices	301 sq.ft.	@	£10 p.sq.ft.

First Floor	673 sq.ft.
Second Floor	660 sq.ft.
Third Floor	676 sq.ft.
Fourth Floor	692 sq.ft.

Total	2,701 sq.ft.	@	£8 p.sq.ft.
-------	--------------	---	-------------

Basement

Office	463 sq.ft.	@	£5 p.sq.ft.
Store	58 sq.ft.	@	£2 p.sq.ft.

- (2) **Butler & Briscoe**, 3, College Green, Dublin 2.
Offices on second, third and fourth floors with lift. 1990 Revision.
Rateable Valuation £330.

6,797 sq.ft. @ £7.70 p.sq.ft.

A written submission was received on the 10th January, 1996 from Mr. Patrick Deegan BA, Barrister-at-Law and a Valuer with 19 years experience in the Valuation Office on behalf of the respondent.

In his written submission, Mr. Deegan said the premises was purchased for £378,000 in 1990. He set out his calculation of rateable valuation as follows:-

"Valuation

Basement	501 sq.ft. @ £3	=	£ 1,503
Ground floor	250 sq.ft. @ £20	=	£ 5,000
	250 sq.ft. @ £10	=	£ 2,500
	695 sq.ft. @ £9	=	£ 6,255
1st floor	918 sq.ft. @ £9	=	£ 8,262
2nd floor	580 sq.ft. @ £8	=	£ 4,640
3rd floor	574 sq.ft. @ £7	=	£ 4,018
			<u>£32,178</u>
	£32,178 x 0.63%	=	£202.72
	Say	=	£200.00"

He gave details of fourteen comparisons which are summarised below.

- 1) **No. 13**
 Shop. RV £110.
 Zone A 200 sq.ft. @ £40
 Offices 1st floor 1,985 sq.ft. @ £8
 RV £95.
- 2) **No. 27/28**
 Offices. Mercantile Credit Company. Very large. RV £630.
 Ground floor 2,502 sq.ft. @ £12
 First floor 2,576 sq.ft. @ £8
 Second floor 2,501 sq.ft. @ £8
 Third floor 1,624 sq.ft. @ £8.
- 3) **No. 18**
 Offices.
 3rd floor 600 sq.ft. @ £5 = £20
- 4) **No. 29/30.** RV £28.
 Offices.
 1st floor 550 sq.ft. @ £8 = £4,500
- 5) **No. 36**
 O'Brien & O'Toole. RV £210.
 Basement 682 sq.ft. @ £3
 Ground floor 415 sq.ft. @ £20
 Ground floor 205 sq.ft. @ £10
 1st - 3rd floors 1,604 sq.ft. @ £9
- 6) **No. 35**
 Type Toc (Irl) Limited. RV £210.
 Basement 634 sq.ft. @ £3
 Ground floor 387 sq.ft. @ £20
 Ground floor 223 sq.ft. @ £10
 First floor 541 sq.ft. @ £9
 Second floor 628 sq.ft. @ £8
 Third floor 566 sq.ft. @ £7
- 7) **No. 19/22**
 Offices. RV £230.
 First floor 4,540 sq.ft. @ £7.50 = £34,050.

- 8) **No. 31**
Equity Bank Limited. RV £225.
- | | | | |
|--------------|------------|---|-----|
| Basement | 531 sq.ft. | @ | £3 |
| Ground floor | 250 sq.ft. | @ | £20 |
| Ground floor | 250 sq.ft. | @ | £10 |
| Ground floor | 695 sq.ft. | @ | £9 |
| First floor | 918 sq.ft. | @ | £9 |
| Second floor | 580 sq.ft. | @ | £8 |
| Third floor | 514 sq.ft. | @ | £7 |
- 9) **No. 13/16**
Offices - 4th floor. RV £95.
4th floor 2,145 sq.ft. @ £6.50.
- 10) **No. 55**
Shop and offices. RV £120.
- | | | |
|--------------|---|------|
| Ground floor | @ | £24 |
| Ground floor | @ | £12 |
| Ground floor | @ | £10. |
- 11) **No. 56**
Shop (ground floor). RV £110.
- | | | |
|--------------|---|-----|
| Ground floor | @ | £24 |
| Ground floor | @ | £12 |
| Ground floor | @ | £6. |
- 12) **No. 57**
Shop
Ground floor @ £24.
- 13) **No. 69/70**
Restaurant RV £78
- | | | |
|--------------|---|-----|
| Ground floor | @ | £20 |
| Ground floor | @ | £10 |
| Ground floor | @ | £5 |
- 14) **No. 74**
Offices (2nd floor) @ £8.50
Store RV £25.

Oral Hearing:

The oral hearing was held in Dublin on Monday 22nd January, 1996. The appellant was represented by Mr. Tadhg Donnelly, MIAVI of Brian Bagnall & Associates. Mr. Patrick

Deegan BA., Barrister-at-Law and a valuer in the Valuation Office appeared on behalf of the respondent.

By consent Mr. Donnelly's written submission was adopted as being his evidence in chief given under oath. Mr. Donnelly pointed out to the Tribunal that in arriving at his opinion of net annual value he had particular regard to an agreed settlement in relation to 37 Dame Street which is located close to the subject property. This building in his opinion was superior to No. 31 Dame Street insofar as it had the benefit of central heating and a lift serving all floors. Accordingly, therefore he had looked at the square foot rates applied to this building and made appropriate adjustments to reflect the different characteristics of the two buildings and hence arrived at his opinion of net annual value.

Mr. Deegan's written submission was adopted by him as being his sworn evidence. In further oral submission to the Tribunal he outlined how the original assessment of £225 was reduced to £200 at First Appeal stage and in his opinion this figure represented the tone of the list for such office accommodation in the Dame Street area. In support of his contention Mr. Deegan produced to the Tribunal details of assessments in respect of 14 premises on Dame Street. He agreed with Mr. Donnelly's opinion that modern offices usually had lifts whilst older buildings had not and said that in arriving at his opinion of net annual value he had made allowance for the fact that the subject property did not have a lift.

In response to a question about his comparisons, Mr. Deegan said he was unable to categorically state which of them had lifts and which had not but undertook to provide this information to the Tribunal once he had checked the records in the Valuation Office.

Determination:

The Tribunal wishes to acknowledge that Mr. Deegan complied with his undertaking given at the oral hearing in regard to his comparisons and thanks Mr. Deegan for his courtesy in so doing.

An examination of the evidence revealed that there were minor differences in the areas submitted by the valuers. However whilst the difference in the areas may be of little significance in the overall context in this instance, the Tribunal would urge valuers to agree basic matters of fact prior to the commencement of the oral hearing.

The valuers in this appeal have used identical valuation methodology in that they have applied different square foot rates to each floor representing the fact that the building does

not have a lift. However, on examining the evidence submitted by both parties the Tribunal has come to the conclusion that Mr. Deegan in his valuation did not make adequate allowance for the absence of a lift in the building and accordingly therefore assesses the proper rateable valuation to be £190 based on the net annual value as set out hereunder.

The Tribunal in arriving at its determination of the net annual value has used the areas submitted by the respondent and has also adopted the valuations attributed by him to the basement and ground floor areas.

Basement Area:

As proposed by Respondent - £1,503

Ground Floor:

As proposed by Respondent - £13,755

First Floor:

918 sq.ft at £8.00 - £7,344

Second Floor:

580 sq.ft. at £7.00 - £4,060

Third Floor:

574 sq.ft. at £6.00 - £3,444

N.A.V. = £30,106 at .63% - Say: £190.00