

Appeal No. VA95/1/037

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

Raymond Glynn & Company

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Offices at Map Ref: 27 - 4, William O'Brien Street, Town of Mallow, Ward: Mallow North
Urban, Urban District of Mallow, Co. Cork
Quantum - Overcapacity

B E F O R E

Fred Devlin

FRICS.ACI Arb. (Acting Chairman)

Brid Mimmagh

Solicitor

Joe Carey

PC.DDSc.DBAdm.MIAVI

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 31ST DAY OF JANUARY, 1996

By Notice of Appeal dated the 19th April, 1994 the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £23 on the above described hereditament.

The grounds of appeal are as set out in a letter attached to the Notice of Appeal and to this judgement as Appendix 1. An additional ground of appeal was set out in the Notice of Appeal.

"(7) Every Friday casual traders park directly outside the office and on both sides of the street. It is most unsatisfactory for a solicitors office to have, at times, a fresh fish van parked outside."

The Property:

The property comprises a three storey building on William O'Brien Street in use as a solicitors office. Accommodation consists of reception area on ground floor, main office on first floor and two rooms used as storage on second floor. There is a bathroom on the first floor return. The property has been recently refurbished and is now in good structural and decorative repair.

Location:

The property is located on William O'Brien Street close to its junction with Main Street. This street comprises a variety of uses ranging between retail, offices, stores and residential. The courthouse is located on the street. Also located on the street is Dairygold Co-op shop and Dairygold operated mart.

Title:

The property is held in freehold.

Valuation History:

The property was subject of revision in 1971 when it was converted for use as offices. The valuation as a result was increased from £10.00 to £18.50 of which £9.50 was attributable to salon and house and £9.00 to offices. The property was again revised in 1993. As a result of this revision both lots were valued as a single hereditament with a rateable valuation of £28.00. This figure was reduced to £23.00 at First Appeal. 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 19th December, 1995 from the appellant, Mr. Raymond Glynn & Company. In the written submission, Mr. Glynn said that he would rely on the contents of his letter of the 23rd November attached to the Notice of Appeal and on point number seven raised in the Notice of Appeal. He also said that he would be relying on three additional points, namely:-

- (a) the renovation, which presumably gave rise to the revision was so small as to be of

almost complete insignificance from a rating point of view and did not in any way alter the character of the building.

- (b) we do not see any reason why we should subsidise ratepayers in designated areas of Mallow.
- (c) the premises we now occupy is substantially smaller than that occupied by the previous rate payer as this and the neighbouring buildings were then joined as one office.

The rateable valuation was then too high in the first place as is illustrated by the comparisons offered. These comparisons were:-

No. 3 O'Brien Street - £13

No. 4 O'Brien Street - £13

No. 5 O'Brien Street - £12

No. 28 O'Brien Street - Business - £6, Residential - £7. Total £13

All the premises are of similar square footage to the subject premises.

A written submission was received on the 17th November, 1995 from Mr. Peter Conroy, District Valuer with 25 years experience in the Valuation Office. Mr. Conroy described the premises, its location, valuation history and grounds of appeal. Mr. Conroy assessed rateable valuation on the subject premises as follows:-

"Offices	Ground Floor:	337 sq.ft.	@	£10	=	£3,370
Offices	First Floor:	200 sq.ft.	@	£5	=	£1,000
Rooms	Second Floor:	200 sq.ft.	@	£2	=	<u>£ 400</u>
						£4,770
	N.A.V.	£4,770 @	0.5%	=		£23.75
				R.V.	=	£23.00

Note:

Property purchased April, 1992 fro £53,000.

Expenditure on improvements and repairs £6,000.

Total investment c. £60,000.

N.A.V. represents an 8% yield."

Mr. Conroy gave details of four comparisons in Mallow which are summarised below:-

(1) **Sullivan Waters & Company**, 19 Main Street, Mallow, Co. Cork.

VA93/4/031. Rateable valuation £45.00.

Ground Floor Offices (front)	373 sq.ft. @ £16.00}
Ground Floor Offices (rear)	123 sq.ft. @ £ 8.00}
First Floor Offices	434 sq.ft. @ £ 5.00}

Note:

This comparison is better located than subject but is valued at £16.00psf for ground floor offices compared with £10.00 for subject.

(2) **O'Mahony Boylan Golden (Mallow) Limited**, 128 Main Street, Mallow, Co.

Cork. VA92/4/032. Agreed at 1992 First Appeal at £43.00.

Ground Floor Offices (front)	219 sq.ft. @ £18.00}
Ground Floor Offices (mid)	162 sq.ft. @ £ 9.00}
Ground Floor Offices (rear)	321 sq.ft. @ £ 4.50}
First Floor Offices	260 sq.ft. @ £ 5.00}

(3) **6a William O'Brien Street**, Mallow, Co. Cork.

1993 Revision. Held 2 years 9 months from February, 1990 at £300 per month.

Ground Floor	185 sq.ft.	@ £12.00	= £2,220
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@ 0.5% = £11.00

In view of passing rent say £12.00

- (4) **F.B.D. Insurance Plc**, 17, 18, 18a/1 Bridewell Lane, Mallow, Co. Cork.
91/4 First Appeal. Rateable valuation at £31.00.

Ground Floor 684 sq.ft. @ £9.00

Note:

An inferior location to subject property.

Oral Hearing:

The oral hearing took place in the District Courthouse, Anglesea Street, Cork on the 30th day of January, 1996. Mr. Raymond Glynn appeared on his own behalf and Mr. Peter Conroy, District Valuer appeared on behalf of the respondent.

The Tribunal considered the submissions and oral evidence offered by the parties.

Mr. Glynn expanded on the points set out in his submission and explained that he ran a small one-man solicitor's office. He explained that by the nature of his internal renovations the upper floors could not be let independently. In relation to Mr. Conroy's comparisons Mr. Glynn was of the opinion that these were better located than his property.

In expanding on his submission, Mr. Conroy for the Valuation Office offered evidence of other valuations in the town, particularly in Main Street. In regard to the comparisons offered by Mr. Glynn he pointed out that these assessments were made in 1978 and were so outdated as to be of no assistance to the Tribunal.

No evidence of recent valuations were offered in William O'Brien Street, where the subject premises is located.

Determination:

The hereditament to be valued in this instance is the entire of the premises known as Lot 27 - 4, William O'Brien Street. Whilst the Tribunal accepts Mr. Glynn's evidence that the premises is too large for his current needs, it is unable to have regard to this fact in arriving at its opinion of net annual value.

Having carefully examined Mr. Conroy's evidence it would appear that the comparisons cited are better located than the subject property. The Tribunal is of the opinion that the square foot rates applied to the office accommodation on each level does not fully reflect the locational differences of the subject property compared to Mr. Conroy's comparisons. Accordingly, therefore the Tribunal determines the rateable valuation to be £20 based on a net annual value of £4,000 as set out hereunder:-

Ground Floor Offices:337 sq.ft.	@	£8.50	=	£2,864
First Floor Offices:	200 sq.ft.	@	£4.00	= £ 800
Second Floor Rooms:	200 sq.ft.	@	£1.50	= <u>£ 300</u>
				<u>£3,964</u>
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Net Annual Value		Say	=	£4,000