

Appeal No. VA95/1/045

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

**Quills Woollen Mills**

**APPELLANT**

**and**

**Commissioner of Valuation**

**RESPONDENT**

RE: Shop at Map Ref: 106.107, Patrick Street, Ward: Centre West, County Borough of Cork  
Quantum - Comparisons

**B E F O R E**

**Veronica Gates**

**Barrister (Acting Chairman)**

**Paddy Farry**

**Solicitor**

**Patrick Riney**

**FRICS.MIAVI**

**JUDGMENT OF THE VALUATION TRIBUNAL**  
**ISSUED ON THE 24TH DAY OF JANUARY, 1996**

By Notice of Appeal dated the 20th day of April 1995 the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £445 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 is located on Patrick Street between Dunnes Stores and Savoy Shopping Centre. It is directly opposite Cash's Department Store and close to Roches Department Store, Penneys and Merchant's Quay Shopping Centre. Part of the premises is separately rated as part of Savoy Shopping Centre. Quills specialise in quality woollen goods, gents and ladies fashions as well as casuals with retail outlets also in Killarney and Kenmare.

**Valuation History:**

In 1972 Revision premises comprising 106 and 107 Patrick Street were amalgamated and valuation fixed at £310. At appeal this figure was reduced to £285 with ground floor only as shop and stores. In 1994 Revision the property was revised to take account of alterations and improvements. The rateable valuation was increased to £530 to include first and second floor shops. At first appeal the rateable valuation was reduced to £445. It is against this determination of £445 that an appeal lies to the Tribunal.

**Written Submissions:**

A written submission was received on the 15th day of November 1995 from Mr. Desmond M. Killen, FRICS FSCS IRRV, a Fellow of the Society of Chartered Surveyors in the Republic of Ireland and a Director of Donal O'Buachalla & Company Limited, with 32 years experience as a valuer, on behalf of the appellant.

In his written submission, Mr. Killen set out details of the subject premises. He described the shop as an attractive retail outlet with stairs and lift access to the upper floors. The areas are agreed as follows:-

|               |              |              |
|---------------|--------------|--------------|
| Ground floor: | Shop         | 1,260 sq.ft. |
| First floor:  | Shop         | 972 sq.ft.   |
| Second floor: | Shop         | 963 sq.ft.   |
| Third floor:  | Office/Store | 702 sq.ft.   |

He said it was also agreed that the ground floor should be zoned:-

|         |            |
|---------|------------|
| Zone A: | 650 sq.ft. |
| Zone B: | 610 sq.ft. |

Mr. Killen set out his calculation of rateable valuation on the subject premises as follows:-

**Valuation**

|              |                      |                         |   |                |
|--------------|----------------------|-------------------------|---|----------------|
| Shop         | Ground floor: Zone A | 560 sq.ft. @ £45.00 psf | = | £29,250        |
|              | Remainder            | 610 sq.ft. @ £22.50 psf | = | £13,725        |
| Shop         | First floor:         | 972 sq.ft. @ £10.00 psf | = | £ 9,720        |
| Shop         | Second floor:        | 963 sq.ft @ £ 7.50 psf  | = | £ 7,222        |
| Office/Store | Third floor:         | 702 sq.ft. @ £ 3.00 psf | = | <u>£ 2,106</u> |
|              |                      | NAV                     | = | £62,024        |
|              |                      | <b>RV @ 0.63%</b>       | = | <b>£390.</b>   |

Mr. Killen gave details of four comparisons in an appendix to his written submission and appended to this judgement as Appendix 1.

A written submission was received on the 14th day of November 1995 from Mr. Tom Stapleton, Valuer, with over 30 years experience in the Valuation Office on behalf of the respondent.

In his written submission, Mr. Stapleton described the property and its valuation history as set out above. He said that the property had been extensively refurbished following acquisition. The refurbishment was completed in October 1993 to a high standard. Mr. Stapleton set out his calculation of the rateable valuation of the subject premises as follows:-

**Valuation**

Gross frontage 47 feet.

|               |              |                       |                |
|---------------|--------------|-----------------------|----------------|
| Zone A:       | 47' x 20'    | 940 sq.ft. @ £50.00 = | £47,000        |
|               | Balance      | 320 sq.ft. @ £25.00 = | £ 8,000        |
| First floor:  | Shop         | 972 sq.ft. @ £ 9.00 = | £ 8,748        |
| Second floor: | Shop         | 963 sq.ft. @ £ 7.00 = | £ 6,701        |
| Third floor:  | Office/Store | 702 sq.ft. @ £ 5.00 = | <u>£ 3,510</u> |
|               |              |                       | <u>£73,959</u> |
|               |              | Say =                 | £74,000        |
|               |              | @ 0.63% =             | £466           |
|               |              | RV =                  | £445.          |

Mr. Stapleton gave details of four comparisons which are summarised below.

- (1) **Eason & Sons Limited**  
 113-115 Patrick Street  
 1989 First Appeal  
 RV £1,400  
 Zone A: 1,320 sq.ft. @ £50.
- (2) **VA89/191 - A. Wear Limited**  
 111-112 Patrick Street  
 RV £740  
 Shop: Zone A 814 sq.ft. @ £50.
- (3) **The Burton Group Plc**  
 100B.101 Patrick Street  
 1989 First Appeal  
 RV £495  
 Zone A: 682 sq.ft. @ £48.
- (4) **Dunnes Stores**  
 102-105 Patrick Street  
 RV £2,265 (1985).

**Oral Hearing:**

The oral hearing was heard on 22nd day of November 1995 in the Council Chamber at Cork. Mr. Desmond M. Killen, appeared for the appellant accompanied by Mr. Keogh, Mr. Anthony Grace (Accountant) and Mr. Pdraig Quill, the owner of the subject property. Mr. Tom Stapleton, Valuer with the Valuation Office appeared on behalf of the respondent.

At the outset Mr. Killen advised the Tribunal that the measurements marked in red were the agreed measurements but said that the parties differed in their respective zoning measurements. He said that the premises is 47 feet 10 inches in the front and narrows to 32 feet 6 inches at a depth of 20 feet and that in his opinion this constitutes Zone A. Mr. Killen said that both parties agree that Zone A is 20 ft in depth, however, the respondent is arguing that the full frontage should be taken into account and then measured back 20 ft and that this in his opinion means that a piece of the street is being valued. He stated that the total square area of the ground floor of the subject premises is 1,260 square feet. Mr. Killen described the subject property as an irregular triangular shaped shop, fronting onto Patrick Street and adjoining the Savoy Centre. It is an attractive premises, retailing on the ground floor, first floor and second floor with the third floor being used as offices and stores. The subject property is located on the opposite side of the street to the Merchants Quay Development. Mr. Killen submitted that the presence of such shops as Laura Ashley, Marks & Spencers,

Roches Stores, Cashes and Penneys have enhanced this side of Patrick Street. Mr. Killen stated that in his opinion from looking at the comparative evidence he has adduced that a fair Zone A price is £45.00 per square foot and that the subject has 770 sq.ft. in Zone A. He said that Zone B consists of the remainder of the shop at 490 square feet and submitted that the rent in respect of this portion should be £22.50. In respect of the first floor, the measurement is 972 square feet for which he submitted the rent should be £10. The second floor consists of 963 square feet for which Mr. Killen contended the rent should be £7.50, and the third floor of offices and stores of 702 square feet, which he submitted that the rent should be £3. This amounts to a total rent of £64,723 or a rateable valuation of £408.

Mr. Killen then referred to his comparisons which he said were adduced in order to show the diversity in Zone A pricing in Patrick Street:-

- (1) Comparison No. 1 - 119 Patrick Street is a corner shop and is a good development on the ground floor and the rent devalued at £38.50 per square foot. The 1985 rent was £16,500 per annum and the NAV £19,050 showing a growth pattern in the rent.
- (2) Comparison No. 2 - the rent here had been agreed in 1989 at £32,500 whereas the 1988 net annual value was £29,635 which amounts to an 11% allowance in respect of one year.
- (3) Comparison No. 3 - the rent here was £74,500 as of 1987. The 1988 net annual value was £83,335 which showed an increase of 8% for one year.
- (4) Comparison No. 4 - 117 Patrick Street, occupied by JWT, the rent in 1984 was £28,750 whereas in 1989 the rent was £34,000 and in 1994 - £38,000 which averages at approximately 2.4% per annum.

In conclusion, Mr. Killen argued that there was a differential in rent payable in respect of Zone

A premises as could be seen from the comparisons and that his valuation of £45 in respect of Zone A for the subject taking into consideration the irregular shape of the shop was fair.

Mr. Quill gave evidence that 90% of his business in Patrick Street is attributable to tourists. He stated that there is a parking problem outside the shop and that this hampers tourists

arriving by coach, as it is next to impossible to park in Patrick Street. He stated that the ground floor of the shop is very small as he had to install stairs in the centre of the shop and a lift, as American tourists do not like climbing stairs. He stated that previously his trade had been similar to that of the Blarney Woollen Mills in tourist goods but that he had now changed to casual clothing such as Levis and Pepe Jeans. Ladies fashions are located on the second floor.

Mr. Stapleton referred to his comparison No. 1, Easons & Sons. He stated that this is located beside the subject premises. He stated that £50 per square foot for Zone A is firmly established on the subject property's side of the roadway. He said his comparisons pointed to a £50 per square foot rental base in respect of Zone A. The subject premises is in a prime location with a very attractive aspect. He stated that Dunnes Stores is located across William Street on Patrick Street, next door to the subject property. Dunnes Stores in Patrick Street apparently now caters for food only. The clothing end of the business is conducted from Merchants Quay.

**Determination:**

The Tribunal having considered the evidence adduced, the contents of the précis and the comparisons offered, is of the opinion that the subject premises, although an attractive building in a prime location has a number of disadvantages including its irregular shape and the location of the stairs and the lift in the middle of the ground floor. Having considered all the evidence, the Tribunal is of the opinion that the net annual value of the subject property is £64,723 and that the rateable valuation is £408 and so determines.