

Appeal No. VA95/1/080 -
VA95/1/091

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

Northbrook Clinic

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Surgeries and laboratory at Map Ref: 15a/Units 1-12, Townland: Northbrook Road, Ward:
Rathmines East, County Borough of Dublin
Quantum - Method of Valuation

B E F O R E

Paul Butler

S.C. (Acting Chairman)

Patrick Riney

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

Brian O'Farrell

Valuer

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 5TH DAY OF OCTOBER, 1995

By Notices of Appeal dated the 24th day of April 1995 the appellant appealed against the determinations of the Commissioner of Valuation in fixing rateable valuations on the above described hereditaments as follows:

Appeal No.	Unit	Rateable Valuation	Appeal No.	Unit	Rateable Valuation
VA95/1/080	15a/1	£94.00	VA95/1/086	15a/7	£46.00
VA95/1/081	15a/2	£70.00	VA95/1/087	15a/8	£52.00
VA95/1/082	15a/3	£26.00	VA95/1/088	15a/9	£62.00
VA95/1/083	15a/4	£37.00	VA95/1/089	15a/10	£66.00
VA95/1/084	15a/5	£30.00	VA95/1/090	15a/11	£61.00
VA95/1/085	15a/6	£31.00	VA95/1/091	15a/12	£63.00

The grounds of appeal as set out in the Notices of Appeal are that:
"The valuation is excessive and inequitable."

The Property:

The subject hereditaments consist of various rooms in use as surgeries and as a laboratory in one case in a large Victorian building on Northbrook Road, now called the Northbrook Clinic. The building was formerly an elderly men's home. The front section of this building is held on a 9 year-9 month lease from the 12/02/93 with three year rent reviews. The rear of the building is held free hold. It was purchased in 1992/93 for £250,000. The internal accommodation consists of serviced office suites with common area. Maintenance, receptionist, cleaning, lighting and heating is covered by a separate and management charge. The units all have computer cabling, central suction and piped air. The building is of stone and slate construction. There is car parking for staff and patients on the site of nearly ½ acre.

The accommodation and description of the premises is set out below:-

<u>Unit</u>	<u>Accommodation</u>
1	Surgery (Hall Floor), Office (First Floor), Surgery (Basement)
2	Surgery (Basement)
3	Surgery (First Floor Return)
4	Surgery (First Floor)
5	Surgery (First Floor)
6	Surgery (First Floor)
7	Surgery (Basement)
8	Surgery (Basement)
9	Surgery (Hall Floor)
10	Surgery (Hall Floor)
11	Surgery (First Floor)
12	Surgery (First Floor)

Valuation History:

Revision Decision		First Appeal Decision	
Lot No.	Rateable Valuation - November 1993	Lot No.	Rateable Valuation - 27/03/95
15a/1	£100.00	15a/1	£94.00
15a/2	£90.00	15a/2	£70.00
15a/3	£20.00	15a/3	£26.00
15a/4	£40.00	15a/4	£37.00
15a/5	£25.00	15a/5	£30.00
15a/6	£30.00	15a/6	£31.00
15a/7	£45.00	15a/7	£46.00
15a/8	£45.00	15a/8	£52.00
15a/9	£50.00	15a/9	£62.00
15a/10	£50.00	15a/10	£66.00
15a/11	£50.00	15a/11	£61.00
15a/12	£50.00	15a/12	£63.00

Written Submissions:

A written submission was received on the 7th day of September 1995 from Mr. Adrian Power-Kelly an Associate of the Royal Institution of Chartered of Surveyors and an Associate of the Society of Chartered Surveyors in the Republic of Ireland.

In his written submission Mr. Power-Kelly gave details of the valuation history of the subject premises and a description of the units concerned. Mr. Power-Kelly said that the factors effecting valuation in his opinion were firstly the fact that the property was situated in a predominantly residential area. He said the fact that this is distant from the business district should be reflected in the net annual value of the subject units. He said the subject property currently provided consulting rooms in a converted old men's home and open market rent for such accommodation should reflect rental values for Georgian office accommodation. Mr. Power-Kelly set out in a schedule to his written submission his opinion of net annual value and rateable valuation in respect of each of the individual units. This schedule is attached to this judgment as Appendix A.

A written submission was received on the 28th day of August 1995 from Mr. Frank O'Connor Appeal Valuer, ARICS, BSc. Surveying with 15 years experience in the Valuation Office on behalf of the respondent.

Mr. O'Connor described the valuation history of the subject premises and gave details of the tenure of units in the centre which are occupied. He gave his opinion of rateable valuation on the subject premises as follows:-

Unit No.	Net Annual Value	RV
Unit 1 Basement	101 sq.ft. @ £12psf = £1,212	
Hall Floor	739 sq.ft. @ £15psf	£14,982 @
First Floor	0.63%	£94.00
	179 sq.ft. @ £15psf = £13,770	
Unit 2 Basement:	917 sq.ft. @ £12 = £11,000 @ 0.63%	£70.00
Unit 3 First Floor	203 sq.ft. @ £20 = £4,060 @ 0.63%	£26.00
Return		
Unit 4 First Floor	330 sq.ft. @ £18 = £5,940 @ 0.63%	£37.00
Unit 5 First Floor	237 sq.ft. @ £20 = £4,740 @ 0.63%	£30.00
Unit 6 First Floor	244 sq.ft. @ £20 = £4,880 @ 0.63%	£31.00
Unit 7 Basement	562 sq.ft. @ £13 = £7,306 @ 0.63%	£46.00
Unit 8 Basement	634 sq.ft. @ £13 = £8,242 @ 0.63%	£52.00
Unit 9 Hall Floor	619 sq.ft. @ £16 = £9,904 @ 0.63%	£62.00
Unit 10 Hall Floor	652 sq.ft. @ £16 = £10,432 @ 0.63%	£66.00
Unit 11 First Floor	610 sq.ft. @ £16 = £9,760 @ 0.63%	£61.00
Unit 12 First Floor:	625 sq.ft. @ £16 = £10,000 @ 0.63%	£63.00

Mr. O'Connor said that the price per square foot taken was based on the rental evidence available within the complex, making allowance for size of unit and location - i.e. hall-first floor. Furthermore a reduction factor was given from the date of lease agreement to November 1988 in each case.

Oral Hearing:

The oral hearing took place in Dublin on the 15th day of September 1995. Mr. Adrian Power-Kelly appeared on behalf of the appellant and Mr. Frank O'Connor appeared on behalf of the respondent.

The subject premises is a former elderly men's home converted into surgeries and a laboratory used by dentists. It quickly emerged in the course of the evidence that the passing "rents" in respect of each of the subject hereditaments included payment for items such as equipment, nursing facilities, a computer network, telephone facilities and furniture in the common areas. Because there was no evidence available as to how much should be allowed for these facilities off the actual passing rent to determine net annual value, the Tribunal came to the view that in these particular cases it could not reasonably use the passing rent as it is

not in a position to determine what the actual passing rent is. The Tribunal is, therefore, approaching this case on a square foot comparative basis. It is however clear that the "passing rent" can be used to determine the proportionality of rateable valuation between the various units. The Tribunal accepts the proportionality as set out at page 7 of Mr. O'Connor's report.

The Tribunal is satisfied that the subject premises are somewhat better than the ordinary office premises and, in the case of unit 1 it finds that the appropriate rent per square foot should be £9. Following the proportionality as aforesaid the Tribunal determines rateable valuation of the subject premises as follows:-

<u>Unit</u>	<u>Rateable Valuation</u>	
VA95/1/080 - Unit 1	£70.50	Say £70
VA95/1/081 - Unit 2	£52.50	Say £52
VA95/1/082 - Unit 3	£19.50	Say £19
VA95/1/083 - Unit 4	£27.75	Say £28
VA95/1/084 - Unit 5	£22.50	Say £22
VA95/1/085 - Unit 6	£23.25	Say £23
VA95/1/086 - Unit 7	£34.50	Say £34
VA95/1/087 - Unit 8	£39.00	
VA95/1/088 - Unit 9	£46.50	Say £46
VA95/1/089 - Unit 10	£49.50	Say £49
VA95/1/090 - Unit 11	£45.75	Say £46
VA95/1/091 - Unit 12	£47.25	Say £47