

Appeal No. VA95/5/028

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

Thomas Keogh

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Shop at Map Ref: Part 4, Dean Street, Ward: Merchants Quay C, County Borough of Dublin

Quantum - Designated area adjacent

B E F O R E

Mary Devins

Solicitor

Patrick Riney

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Brid Mimmagh

Solicitor

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 30TH DAY OF MAY, 1996

By Notice of Appeal dated the 7th day of October 1995 the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £29 on the above described hereditament.

The grounds of appeal as set out in the Notice of Appeal are that:-

- "1. Over estimated.
2. No loading bay.
3. Customers cannot stop to do business."

The Property:

The property comprises a retail unit located on the corner of Dean Street and New Street South. Due to the heavy volume of passing traffic there is no parking on Dean Street at this point. There is considerable new development in this area. The shop is closed to Francis Street and the Coombe. The building is old with an old shop front and entrance. The shop comprises 424 square feet nett with poor stores to the rear. The stores are 257 square feet. There is an outside w.c. and small yard.

Valuation History:

The valuation was fixed at £16 in 1914 on first appeal. It remained unchanged until the revision of 93/4 when it was listed by the Corporation of Dublin. The rateable valuation was increased to £36 equating to a net annual value of £5,800. This was appealed against and at first appeal the Commissioner of Valuation reduced the valuation from £36 to £29. 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 day of April 1996 from Mr. Thomas Keogh on his own behalf. In his written submission, Mr. Keogh said that the population of this area had declined sharply and would be unlikely ever to meet previous levels again. He said that the roadworks carried out in recent years have resulted in high and significantly increased levels of traffic movement and congestion, creating a situation where no cars could pull in or park outside his shop. He also said that there was no loading or unloading facilities provided. Mr. Keogh said that since the roadworks there was an appreciable shift of emphasis from pedestrian to road traffic and this had affected the type and level of business carried on. He said that the traffic noise levels in the area are high and are expected to rise when the Coombe Relief Scheme is constructed.

Mr. Keogh said that he was one of the few old businesses to survive in the area and had to compete with modern premises enjoying rate free accommodation due to designated status.

A written submission was received on the 3rd day of April 1996 from Mr. Brian O'Flynn, a District Valuer with 20 years experience in the Valuation Office.

In his written submission, Mr. O'Flynn described the subject premises and its valuation history as set out above. He set out his calculation of rateable valuation as follows:-

Valuation

Shop	424 square feet @ £10.00 = £4,240	
Poor stores	257 square feet @ £ 1.50 = <u>£ 385</u>	
		<u>£ 4,625</u>
NAV	£4,625 @ 0.63%	= £29.00.

In support of his valuation, Mr. O'Flynn supplied the Tribunal with three comparisons which are set out below.

(1) Dean Street, Merchants Quay C

1990 First Appeal No. 5

Corner of Dean Street and New Row South. Very close to subject. Similar situation.

Was in use as a showroom at date of valuation.

533 square feet @ £12.00 psf	= £6,396	
Two apartments over @ £30.00 per week each	= <u>£3,120</u>	
		<u>£9,516</u>
NAV	£9,516 @ 0.63%	= £60.00 RV.

(2) Pt. 2 Dean Street, Merchants Quay C

1993/4 First Appeal No. 54

347 square feet @ £12.00 psf	= £4,164
NAV £4,164 @ 0.63%	= £26.00 RV.

(3) Pt. 3 Dean Street, Merchants Quay C

1993/4 Revision

Front Shop/Office	211 square feet @ £13.00 psf	
Rear Office/Room	122 square feet @ £13.00 psf	= £4,329
NAV	£4,329 @ 0.63%	= £27.00 RV.

Oral Hearing:

The oral hearing took place in Dublin on the 1st day of May 1996. The appellant appeared on his own behalf. The respondent was represented by Mr. Brian O'Flynn of the Valuation Office.

Mr. Keogh gave evidence that he has been in business for approximately 20 years and that since the road improvements in Clanbrassil Street, New Street and Patrick Street his business has halved because of the high volume of traffic, the congestion and the parking restrictions.

Mr. Keogh explained that the opposite side of the street enjoyed designated status and that the properties there obviously benefited from the tax and rates relief because of such status.

Mr. Keogh referred to the extremely poor condition of the subject property and gave evidence in relation to tenure and title which are unclear and uncertain. He said that the upstairs portion of the premises is now vacant which adds to the general run down state of the building.

Mr. O'Flynn referred to the comparisons appended to his written submission of 30th January 1996 but was unable to give evidence in relation to passing rents, if any, pertaining thereto. He referred to no. 2 Dean Street which was purchased in 1994 for £58,000 in poor condition and he referred to the assessment of rate per square foot for the ground floor arrived at in 1993/4 first appeal.

Mr. O'Flynn stated that due to the designated status of the nearby streets the population in the area was on the increase which could only benefit trade. He said that he had made allowances for the poor condition of the subject property in arriving at his estimate of net annual value.

Determination:

The Tribunal accepts the evidence in relation to the parking restrictions and traffic congestion in the area as a result of the road widening.

It does seem too that while designated area status in general enhances an area, it can have a detrimental effect on the rental values to be achieved by premises which are located in the immediate proximity which do not have the benefit of designated area status.

The Tribunal notes the poor condition of the property which is agreed by both parties and notes too the title problems attached to the premises. In the circumstances and in light of all of the evidence adduced the Tribunal determines the correct rateable valuation of the subject premises to be £25.