

Appeal No. VA96/3/085

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

Ulster Bank, Ballymote

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: House, Bank and Garden at Map Ref: 19, Lord Edward Street, Town of Ballymote,
Townland: Ballymote, ED: Ballymote, RD: Sligo, Co. Sligo
Quantum

B E F O R E

Liam McKechnie - Senior Counsel

Chairman

Rita Tynan - Solicitor

Member

Marie Connellan - Solicitor

Member

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 8TH DAY OF MAY, 1998

1. By Notice of Appeal dated the 30th day of July, 1996 the Appellant Company, namely the Ulster Bank, appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £80 on the above described hereditament.

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

- "(1) The valuation is excessive and inequitable.
- (2) The valuation is bad in law."

2. This appeal proceeded by way of an oral hearing which took place in Sligo on the 16th day of May, 1997. Ms. Sheelagh O'Buachalla, BA, an Associate of the Society of Chartered Surveyors and a Director of Donal O'Buachalla & Company Limited appeared on behalf of the bank with Mr. Christopher Hicks, Appeal Valuer appearing on behalf of the Commissioner. Having taken the oath both valuers adopted as their evidence in chief their respective précis of evidence which in accordance with practice had previously been exchanged between them and submitted to this Tribunal.
3. The premises the subject matter of this appeal was revised in November, 1995 as a result of which the then existing RV of £39.75 was increased to £80. There was no change at First Appeal stage and hence the present appeal to this Tribunal.
4. The property in question which is of masonry brick and slate construction was erected sometime in the 1870's and is a two storey building situated at No. 19, Lord Edward Street, Ballymote in the County of Sligo. It is a detached premises and is used for the purposes of carrying on a retail banking business as well as a residence for the manager of the bank. This residence is located in part of the ground floor and in the total area of the first floor. The retail business occupies the remainder of the ground floor area. The building is finished and maintained to a standard commensurate with what one would expect from one of the four major banking companies operating in this Country.
5. The following are the agreed areas:-

Banking Hall	368 sq.ft.
Manager's Office	242 sq.ft.
General Offices	398 sq.ft.
Strong Room	204 sq.ft.
Kitchen	64 sq.ft.
Total	1,276 sq.ft.
Domestic	2,816 sq.ft.
6. As there was no evidence of rent available in order to calculate the NAV both valuers adopted the comparative method and in support thereof each referred to a

number of comparisons. In the case of Ms. O'Buachalla the relevant comparisons were three in number and can be summarised as follows:-

(i) ***AIB, 21 Wolfe Tone Street, Tubbercurry, Co. Sligo:***

1995/3 Revision: RV £105.
Ground Floor Banking Hall 1,253 sq.ft.
Total Area of Ground Floor 2,455 sq.ft.
First Floor Offices 1,000 sq.ft.

(ii) ***AIB, 33 Tully, Ballinamore, Co. Leitrim:***

1994/4 First Appeal: RV £50.
Ground Floor Banking Hall 465 sq.ft.
Total Ground Floor Area 750 sq.ft.
First & Second Floors 354 sq.ft.
Domestic (RV £17).

(iii) ***AIB, 65 Main Street, Carrick-on-Shannon, Co. Leitrim:***

1994/4 First Appeal: RV £130
Ground Floor Banking Hall 742 sq.ft.
Total Ground Floor Area 2,013 sq.ft.
Domestic (RV £22)

7. Mr. Hicks on behalf of the Commissioner referred to the following comparisons which are detailed below in a most abbreviated form:-

(i) ***Bank of Ireland, Ballymote, Co. Sligo:***

1989. RV £82
Total Ground Floor Area 1,147 sq.ft. @ £12.20 psf
Domestic (RV £12).

(ii) ***AIB, Ballymote, Co. Sligo:***

1991. RV £60.
Total Ground Floor Area 511 sq.ft. @ £14.50 psf
Domestic (RV £23)

(iii) ***Bank of Ireland, Falcarragh:***

1992. RV £60.
Total Ground Floor Area 1,246 sq.ft. @ £9.63 psf

(iv) ***AIB, Dunglow:***

1996. RV £80
Ground Floor (Street Level) 819 sq.ft. @ £10.50 psf

Ground Floor (Lower Level) 1,027 sq.ft. @ £7.25 psf

(v) **AIB, Tobercurry:**

1995. RV £105.

Total Ground Floor Area 2,057 sq.ft. @ £8.50 psf

(vi) **Bank of Ireland, Edenderry, Co. Offaly:**

VA92/4/012: RV £130.

Total Ground Floor Area 1,700 sq.ft. @ £12 psf

(vii) **AIB, Boyle:**

1994. RV £60.

Total Ground Floor Area 729 sq.ft. @ £16.50 psf

8. During the course of the hearing both parties agreed that the figure of £20 should apply to the domestic content of the subject property. That therefore leaves for our consideration the retail space used by the Appellant Company for its banking business.
9. As can be seen from the foregoing Ms. O'Buachalla places a figure of £9 psf on 610 sq.ft. of the total area of 1,276 sq.ft., a figure of £5 psf on 602 sq.ft. and £3 psf on the kitchen area which is 64 sq.ft.. On the other hand Mr. Hicks makes no differentiation between the banking hall/manager's office and the general offices, strong room and canteen. He places a figure of £9.40 on the entirety of this area.
10. Considerable debate took place between the valuers with regard to their respective comparisons. It was suggested in evidence by the Appellant's valuer, and not disputed on behalf of the Commissioner that his No. 1 comparison, namely the Bank of Ireland at Ballymote was assessed under the statutory regime and practice which pre-dated the coming into law of the Valuation Act, 1988. Equally so it was suggested that the rateable valuation fixed on the AIB premises at Ballymote was based on and directly linked to the said Bank of Ireland premises and accordingly that that valuation suffers from the same infirmity as attaches to the last mentioned premises. In any event a request for revision is now being made in respect of this AIB premises. The Bank of Ireland premises at Falcarragh is clearly distinguishable not simply on location grounds but also on the basis that, in that case there was in fact a passing rent as of 1985 and as of 1990 and, as we are

informed, that passing rent played an influential part in the fixing of the ultimate RV. With regard to the comparisons at Edenderry and Boyle we are satisfied that in terms of location, in terms of catchment areas and in terms of profit earning ability these premises, even with adjustments reasonably made, cannot be used in any valuable sense for comparative purposes. In addition there was some dispute on the facts pertaining to the Boyle premises.

11. With regard to the AIB premises at Tobercurry it would appear that on a ground floor area of 2,455 sq.ft. the RV devalues at £6.91 psf. This area is almost twice the size of the subject property and added to that must be the 1,000 sq.ft. of space which is available on the first floor. In addition, when considering this, we must bear in mind that Mr. Hicks does not agree with the ground floor area as given and in his evidence he suggests that the correct area is some 400 sq.ft. less than that specified.

In relation to the AIB premises at Ballinamore the ground floor thereof of 750 sq.ft. devalues at about £7.95 psf.

12. The position therefore in relation to the comparisons offered is that whilst this Tribunal appreciates the efforts of both parties in trying to identify what, with adjustments, would be appropriate comparisons for the subject premises, we are left in a position where there remains, despite a prolonged oral hearing, a number of uncertainties about the reliability and appropriateness of the suggested comparisons.

13. Taking the evidence therefore as we find it we are of the view that it is not correct to place the same rate of value on the banking hall/manager's office and say the strong room or canteen. Whilst it is helpful to ascertain, for verification purposes, as to what a ground floor might devalue at, nevertheless when approaching our task afresh we should we feel endeavour to differentiate between the various units within a hereditament and which in our opinion should have a different value attaching to them. That being the case we feel that we should apply a figure of £9 psf to the banking hall/manager's office, a figure of £7 psf to the staff area/strong room and the figure of £3 to the kitchen. In our calculation that gives an NAV of £9,896 which on conversion gives an RV of £49.48, say £50. Added to that must be the agreed domestic element of £20 making a total of £70.

14. The Tribunal so determines.

