

Appeal No. VA96/5/013

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

Ulster Bank Limited

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Bank at Map Ref: 26b, Bridewell Lane, Carlow Shopping Centre, UD: Carlow, Co. Carlow

Quantum - Affect of designation

B E F O R E

Mary Devins - Solicitor

Deputy Chairman

Brid Mimmagh - Solicitor

Member

Finian Brannigan - Solicitor

Member

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 14TH DAY OF JULY, 1997

By Notice of Appeal dated the 7th day of October 1996 the Appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £200 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 subject premises is a free standing part single and part two storey property comprising a branch premises together with a lock-up shop. It is a purpose built bank premises occupied by the Ulster Bank.

The building is constructed in concrete block with an in situ concrete ground floor, a first floor of pre-cast concrete planks with a pitched and hipped tiled roof. The premises is held freehold.

Valuation History:

The subject premises was revised in August 1995 wherein a new valuation of RV £240 was fixed. At first appeal submissions were made to the Commissioner following which the valuation was reduced from RV £240 to RV £200. It is against this determination of the Commissioner of Valuation that an appeal lies to this Tribunal.

Written Submissions:

A written submission was received on the 16th day of June 1997 from Ms. Sheelagh O'Buachalla, B.A., an Associate of the Society of Chartered Surveyors and a Director of Donal O'Buachalla & Company Limited on behalf of the Appellant.

In her written submission she set out the valuation history, location and description of the subject premises. She said that the floor areas had been agreed between the parties as follows:-

Ground Floor

Banking hall, Offices and Strong room 2,157 sq.ft. (200.3 sq.m.)

First Floor

Offices and Kitchen 339 sq.ft. (31.4 sq.m.)

Ms. O'Buachalla set out her calculation of rateable valuation as follows:-

Ground Floor

Banking hall, Offices and Strong room 2,157 sq.ft. @ £10 psf = £21,570

First Floor

Offices 339 sq.ft. @ £ 5 psf = £ 1,695

£23,265

£23,265 @ 0.5% = £116 RV.

In support of her valuation, Ms. O'Buachalla gave details of seven comparisons which are summarised below.

1. **Ken Black**
11.12.13 Bridewell Lane, Carlow
1995/3 First Appeal
RV £105 (situated in a designated area)
2. **Motor Shop**
Unit 8/9 Bridewell Lane, Carlow
1995/3 Revision
RV £60 (situated in a designated area)
3. **Bank of Ireland**
78/81 Clanbrassil Street, Dundalk, Co. Louth
1993/4 Revision
RV £365 (situated in a designated area)
4. **Bank of Ireland**
Potato Market, Carlow
1994/3 First Appeal
RV £230
5. **Bank of Ireland**
Main Street, Portlaoise
1992/3 Valuation Tribunal appeal
RV £3,200
6. **A.I.B. Bank**
19B Maryborough, Lister Square, Portlaoise
1994/3 Revision
RV £270
7. **VA96/6/006 - A.I.B. Bank**
3b.4 Colmcille Street, Tullamore
1994/3 First Appeal

A written submission was received on the 11th day of June 1997 from Mr. Tom Cuddihy B.Agr. Sc., a District Valuer with 30 years experience in the Valuation Office on behalf of the Respondent.

In his written submission, Mr. Cuddihy set out his calculation of rateable valuation as follows:-

Ground Floor

Banking hall and Offices 2,157 sq.ft. @ £17.00 psf = £36,669

First Floor

Canteen and Stores 339 sq.ft. @ £ 8.50 psf = £ 2,882
£39,551

Est. NAV = £40,000 @ 0.5% = £200 RV.

In support of his rateable valuation he adduced four comparisons in which he gave a detailed breakdown of the valuation. These comparisons were as follows:-

1. **Bank of Ireland**
 Potato Market, Carlow
 RV £230

2. **Ulster Bank Limited**
 O'Connell Street, Clonmel
 Under Tribunal Appeal
 RV £110

3. **A.I.B. Bank**
 O'Connell Street, Clonmel
 Under Tribunal Appeal
 RV £450

4. **VA95/1/023 - A.I.B. Bank**
 Navan, Co. Meath
 RV £505

Oral Hearing:

At the oral hearing which took place in Dublin on the 23rd day of June 1997 Ms. Sheelagh O'Buachalla appeared on behalf of the Appellant and the Respondent was represented by Mr. Tom Cuddihy.

Ms. O'Buachalla, referring to her written submission which she adopted as her sworn evidence stated that the premises was built in 1993/4 and was not part of the shopping centre as it had a separate entrance. She said that the bank was in a designated area. She said that her comparisons number 1, Ken Black and number 4, Bank of Ireland, Potato Market, Carlow would be her main comparisons and she did not really intend to rely on the other three comparisons offered by her in her précis.

Ms. O'Buachalla said that she could not comment on the differences in figures for floor area between herself and Mr. Cuddihy as she said she was not involved in the Bank of Ireland, Potato Market valuation. She said that the Bank of Ireland at the Potato Market had a 90 ft frontage, was not designated but was in a better location. She also stated that her comparison number 1, Ken Black at £8 psf with a 63 ft frontage was a good comparison.

Mr. Cuddihy put it to her that he had dealt with the Ken Black valuation and that the premises was not in close proximity to the entrance of the shopping centre and it was at the end of the terrace so that there was nothing to draw people up there. Ms. O'Buachalla did not agree that being at the end of the terrace would mean that the premises would not be as attractive. She agreed that the Ulster Bank and the Bank of Ireland were equally good premises but accepted that the Ulster Bank was painted white and did tend to stand out.

Mr. Cuddihy questioned her as to why she valued the Bank of Ireland, Potato Market at £14 psf for the ground floor area but only valued Ulster Bank at £10 psf for the ground floor. In reply she said that her main comparison was with Ken Black at £8 psf. She stated that there was a decision of the Tribunal that there should be no difference in valuation between a bank premises and retail units.

Mr. Cuddihy, adopting his written précis as his sworn evidence stated that the subject property was a bank right beside the shopping centre and in a designated area. He said that the most relevant comparison is the Bank of Ireland, Potato Market and that he placed a valuation of £15 psf on the ground floor banking hall on this premises. He also said that he considered that he should place a valuation of £17 psf on the subject premises because he had applied a small premium for the fact that it was in close proximity to a shopping centre and in a designated area. He said it is normal practice to take the ground floor of the premises as a whole since the occupant can use the area for stores or for retail as he wishes.

Questioned by Ms. O'Buachalla about the relative proximity of the Bank of Ireland, Potato Market and the subject premises to the town centre, Mr. Cuddihy said that the shopping centre was now perceived to be the most attractive location and that rents were now on the decline in Tullow Street. He said that when the valuation was reached for Bank of Ireland in Potato Market, Tullow Street and Dublin Street would have been the main shopping locations in town.

Determination:

The Tribunal accepts that the most relevant comparison is comparison number 4 in Ms. O'Buachalla's précis which is comparison number 1 in Mr. Cuddihy's, the Bank of Ireland, Potato Market. The Tribunal accepts Mr. Cuddihy's evidence in relation to the analysis of the valuation of the Bank of Ireland, Potato Market and agrees that a premium of £1 would be reasonable in the circumstances to take into consideration the fact that the subject premises is in a designated area whereas the comparison in question, the Bank of Ireland, Potato Market is not.

While noting Mr. Cuddihy's contention that a further £1 premium should be added to the £15 psf figure in respect of the ground floor of the Bank of Ireland, Potato Market comparison thus bringing the valuation to £17 psf, the Tribunal is of the opinion that the evidence shows that the respective locations of the Bank of Ireland, Potato Market and the subject premises are comparable and that no further premium should be added as the location of the subject premises is not appreciably better.

On the evidence presented the Tribunal does not accept that the Appellant's comparison number one, Ken Black, is a valid comparison in all the circumstances and accepts Mr. Cuddihy's assertion that the premises is at the end of a terrace and not in close proximity to the entrance to the shopping centre.

In the circumstances and taking into account the comparative evidence adduced particularly in relation to the premises known as the Bank of Ireland, Potato Market, the Tribunal determines:-

Ground Floor

Banking hall and Offices 2,157 sq.ft. @ £16 psf = £34,512

First Floor

Canteen and Stores 339 sq.ft. @ £ 6 psf = £ 2,034
£36,546

£36,546 @ 0.5% = £182.73. Say £183.

The Tribunal therefore determines the rateable valuation at £183.