

Appeal No. VA97/3/009

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

**Euro Decor**

**APPELLANT**

**and**

**Commissioner of Valuation**

**RESPONDENT**

RE: Shop, office at Map Reference 116a Lower Georges Street, Dun Laoghaire West Central,  
Dun Laoghaire Rathdown, Co. Dublin  
Quantum

**B E F O R E**

**Con Guiney - Barrister at Law**

**Deputy Chairman**

**Ann Hargaden - FRICS.FSCS**

**Member**

**Marie Connellan - Solicitor**

**Member**

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

By Notice of Appeal dated 7th July 1997 the Appellant, Euro-Decor Ltd., appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £30 on the above described hereditament.

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

"the RV is excessive having regard to the market conditions as at 1988, the level of rent payable at that time and recently revised shops on this section of Georges Street lower".

The appeal proceeded by way of an Oral Hearing which took place in the Tribunal offices on 1st December 1997. The Appellant was represented by Mr. Conor O'Cleirigh M.I.A.V.I. A.R.I.C.S. A.S.C.S. of Conor O'Cleirigh & Company, Chartered Valuation Consultants. The Respondent was represented by Mr. Oliver Barry, District Valuer, with over 20 years experience in the Valuation Office. At the Oral Hearing both Valuers adopted as their evidence in chief their written submissions which had previously been exchanged between them and received by the Tribunal. From the evidence so tendered the following were the material facts found by the Tribunal.

### **1. The Property**

The property comprises a ground floor retail area of c.177 sq.ft. together with an office and store of c.111 sq.ft. and a passage and toilet. Street frontage is 9ft. 3in. This property forms part of a two-storey terraced structure and access to the retail area is from a passageway which also leads to the stairway to the first floor. The property is located opposite the public library in Dun Laoghaire, close to the junction with Library Road and Lr. Georges Street, the latter of which forms part of the main trading street in the town.

### **2. Valuation History**

The premises were revised in 1995 and a rateable valuation of £32 was placed thereon. In June 1997 there was an appeal to the Commissioner of Valuation against the revised valuation and the rateable valuation was reduced to £30. Consequently Euro-Decor Ltd. exercised their statutory right to appeal to this Tribunal.

### **3. Evidence and Submissions of the Parties**

Mr. O'Cleirigh, having taken the oath, gave evidence in accordance with his written submission. He said that the property was originally constructed as a dwelling and its conversion to commercial use had been limited by the low ceiling height, the layout and the small room sizes.

As a result, it does not attract the same level of rent as a normal retail outlet. His comparisons showed rents of £9.50/£12 psf including actual 1988 passing rents as set out in Appendix 1 of this judgment.

He also stated that the property was on the periphery of the town and that the retail core of Dun Laoghaire was traditionally centred around the section of Georges Street, between Penney's and Dunnes Stores, with Dun Laoghaire Shopping Centre as the focal point and that all the national retail names are at this section of Georges Street. He pointed out that due to the elongated nature of Lr. Georges Street, rents and capital values tend to fall sharply as one goes further away from the central position at the junction of Royal Marine Road and Georges Street Upper and Lower and that this trend of values is shown in the comparisons provided. He also pointed out that Bloomfields Shopping Centre was not open as of the date of appeal and could not be taken into account in assessing the Net Annual Value.

He submitted that the net annual value of the subject property was £2,300 per annum. Mr. Desmond McCabe then gave evidence as the landlord. He indicated that he had practised as an Auctioneer in the adjoining premises since 1981. He had agreed to buy the entire of the subject premises in 1990 for £36,000 but, due to a title defect, the sale did not close until 1994, whereupon he incurred expenditure of c.£25,000 in refurbishing the building to provide two suites of offices on the first floor and the subject retail unit. He stated that he was familiar with the location and had sold a leasehold interest in No. 129 Lr. Georges Street for £1,500 premium, after marketing the interest for 15 months. This comprised a shop unit of 360 sq.ft. together with a store let under a 20 year lease at a passing rent of £5,000 per annum.

Having taken the oath, Mr. Barry stated that as the property is held under a 2 year 9 month lease from 1 July 1995 at £7,250 per annum with the tenant liable for rates, internal repairs and a contribution to insurance of the building, this passing rent should be analysed. He adjusted the 1988 figures to reflect an NAV of £4,775 per annum. He offered in support of this valuation a number of comparisons as set out in Appendix 2 of this judgment.

#### **4. Findings and Determination**

Having heard the evidence and having carefully considered the submissions that were made, the findings of this Tribunal are as follows:

There is no doubt that this is a secondary location on Lr. Georges Street with limited public parking in the vicinity. The retail area is confined by its frontage, entrance and design. The most relevant comparison and the most recent is that of 130 Lr. Georges Street, which both Appellant and Respondent had included in their evidence. This comprises a shop of 485 sq.ft. together with a store and tea-room of 115 sq.ft. This analysed at £10 psf on the retail

area and £4 psf on the store and tea-room. This property is situated on the north side of the street about 50 metres from the Cumberland Street junction and about 100 metres from the subject unit under appeal. This is an inferior retail location, but the size of the shop is more suitable for a normal retail use.

There is no doubt that the subject premises is in a better location, and at the time of the appeal, Atlantic Homecare were in occupation of a large premises two doors away and there was public car parking right in front of this building. In our view there should be a reduction in the rateable valuation attaching to this property to reflect these points and the Tribunal have assessed the NAV as follows:

177 sq.ft. @ £12.50 per sq.ft.;  
110 sq.ft. @ £ 5.00 per sq.ft.;  
Total £2,762.50 @ 0.63% = £17.40, say £17.

Accordingly, the Tribunal reduces the rateable valuation on the subject from £30 to £17 and the Tribunal so determines.