

Appeal No. VA97/4/041

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

Homeshop Co. Ltd.

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Shop at Lot No. 1Aa St Patricks Road, South County Dublin, Co. Dublin
Quantum

B E F O R E

Con Guiney - Barrister at Law

Deputy Chairman

Marie Connellan - Solicitor

Member

Michael Coghlan - Solicitor

Member

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 24TH DAY OF JULY, 1998

By Notice of Appeal dated the 29th day of July 1997 the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £155 on the above described hereditament.

The grounds of appeal as set out in the Notice are that "the valuation is excessive, inequitable and bad in law having regard to the type, nature, location and letting potential of the subject premises".

The relevant valuation history is that in 1995 the occupier of the property listed it for revision. In November 1995 the revised valuation was issued unchanged at £95. An appeal was lodged on behalf of the occupier. The result of the appeal was that the Commissioner issued his decision increasing the rateable valuation to £155.

A written submission on behalf of the appellant prepared by Mr. Eamonn Halpin B.Sc. (Surveying) ASCS ARICS MIAVI was received by the Tribunal on 13th March 1998. Mr. Halpin has fifteen years experience in the Valuation Office as a surveyor. Since 1995 he has been in private practice.

The written submission described the property as being in a tertiary business location in a residential area away from main roads and with no passing trade. The submission stated that the potential for business at the subject property is limited due to its proximity to the large new shopping centres such as The Square, Clondalkin, Superquinn and Blanchardstown. Again the submission described the premises as basic in nature and parts of it being in moderate to poor repair.

Mr. Halpin's written submission estimated the rateable valuation of the subject premises as follows;

	Sq.ft.	
Side shop (Blocks 1 & 2)	612	
Rear butchery & part shop (Block 5)	586]	
Main shop front (Block 3)	956]	2,054
Main shop rear (Block 4)	<u>430]</u>	
Total	2,666 @ £5	= £13,330
Stores (Blocks 6, 7 & 8, 8a)	414 @ £1.50	= £ 621

Mr. Maher's written submission estimated the rateable valuation as being calculated as follows;

Supermarket	2,263 sq.ft. @ £ 7.00	£15,841
Shop	612 sq.ft. @ £12.00	£ 7,344
Stores	335 sq.ft. @ £ 3.00	£ 1,005
Cold Stores	79 sq.ft. @ £ 4.00	£ 316
1 st Floor	152 sq.ft. @ £ 2.00	<u>£ 304</u>
		£24,810

Say £25,000

R.V. @ 0.63% £156

Say £155

Mr. Maher's written submission contained six comparisons which are annexed to this judgment as Appendix Two.

The appeal proceeded by way of an oral hearing which took place at the Tribunal's premises in Dublin on 18th March 1998.

In his sworn testimony Mr. Halpin adopted his written submission as his evidence to the Tribunal. In the course of the hearing Mr. Maher accepted Mr. Halpin's area for the supermarket as being the correct area, namely 2,054 sq.ft.

Mr. Halpin stated in his evidence that there had been a dramatic reduction in turnover at the subject premises due to the effect of the new large shopping centres such as the Square at Tallaght. He stated that the turnover was £14,000 per week including V.A.T. Mr. Halpin described the premises as being functional but quite basic.

Under cross examination by Mr. Maher, Mr. Halpin stated the subject was not on a main road with a big passing trade like the Spar premises at Walkinstown. According to Mr. Halpin the

subject only benefited from passing trade exiting or entering the residential area in which it was located.

Again under cross examination Mr. Halpin stated that he had chosen his three comparisons because they were the closest to the subject and were in similar circumstances.

In his sworn testimony Mr. Maher adopted his written submission as his evidence to the Tribunal. Mr. Maher stated that the subject premises served a residential area and a larger passing trade was not significant to it. Mr. Maher described the property as doing a good business. He stated that the figure for turnover in his written submission, namely £20,000 per week had been given to him by the appellant. Mr. Maher stated he had valued the property relative to the level of small supermarkets servicing small residential areas.

Mr. Maher stated under cross examination by Mr. Halpin that in arriving at his valuation he had relied on the tone of the list for the area. There was no passing rent for the subject and a tone of the list had been set at £5.00, £7.00 and £9.00 depending on the quality of the shops.

The Tribunal has considered the written submissions and the evidence produced by both parties. The Tribunal considers that some discount in the valuation of the subject premises must be given to allow for the effect of the large shopping centres, such as the Square, Tallaght, on the business done by it. To effect this the Tribunal has decided to put the same value p.s.f. on the side shop and on the supermarket. Again the Tribunal has decided that the stores and the cold stores should have the same value p.s.f. and the benefit of the aforesaid discount. The parties are agreed on the value p.s.f. for the first floor attic.

Accordingly the Tribunal determines the rateable valuation of the subject premises as follows;

Supermarket & shop	2,666 sq.ft. @ £7.00 p.s.f.	=	£18,662
Stores and cold stores	414 sq.ft. @ £2.00 p.s.f.	=	£ 828
First floor attic	152 sq.ft. @ £2.00 p.s.f.	=	£ 304
	N.A.V.	=	£19,794

$$\begin{array}{rcl} \mathbf{R.V. @ 0.63\%} & = & \pounds 124.70 \\ \mathbf{Say} & = & \pounds 125.00 \end{array}$$

The Tribunal determines the rateable valuation of the subject premises to be £125.