

Appeal No. VA98/3/001

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

Trustee Savings Bank

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Bank and carpark at Lot No. 1/7a Passage Road - Douglas, E.D. Douglas, Townland:
Douglas, R.D. Cork Lower, Co. Cork

Quantum - Banks to be valued as retail or in comparison with other financial institutions

B E F O R E

Con Guiney - Barrister at Law

Deputy Chairman

Michael Coghlan - Solicitor

Member

George McDonnell - F.C.A.

Member

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 10TH DAY OF NOVEMBER, 1999

By Notice of Appeal dated 9th July 1998 the appellant appealed against a determination of the Commissioner of Valuation in fixing a rateable valuation of £285 on the above described hereditament.

The grounds of appeal as set out in the Notice of Appeal were that " the valuation remains excessive and inequitable and is bad in law".

The appeal proceeded by way of an oral hearing that took place in Cork on 16th July 1999. The appellant was represented by Mr. Alan McMillan ASCS ARICS MIAVI of Donal O'Buachalla & Company Limited. The respondent was represented by Mr. Peter Conroy MIAVI a District Valuer in the Valuation Office.

At the oral hearing both valuers having taken the oath adopted their written submissions as their evidence in chief.

The following facts were either agreed or so found as being relevant for the purposes of determining this appeal;

1. Location

The subject under appeal is located on Passage Road (formerly East Douglas Street) close to the centre of Douglas Village and is some 100 metres from Douglas Village Shopping Centre and Douglas Roundabout.

2. Description

The property comprises of part single and part two storey concrete framed building with part rendered and part brick clad elevations under pitch slated and flat concrete roofs. The front elevation has recently been altered to provide a stone facing at ground level and a proprietary formica-type coloured rain screen cladding at first floor.

The premises comprises three main sections,

Ground Floor: Bank Hall with ATM room, interview room, managers office and safe comprising in area 2,423 sq.ft.

Rear office: self-contained, computer offices with concrete floor and dated ceilings with single glaze aluminum framed windows comprising a floor area of 1,102 sq.ft.

First floor offices: good standard offices with internal access from bank below with suspended ceiling and inset lighting comprising in area 1,310 sq.ft. In addition to these premises it was agreed between the parties that the subject premises enjoyed the benefit of 15 car spaces to the rear of the subject.

3. **Submissions of the Parties**

Mr. Alan McMillan for the appellant explained that the subject premises originally formed part of an amalgamated unit with administration offices to the rear, which had since been separately rated. He contended that the premises were at the poorer end of the retail district within Douglas Village. He made the point that a bus shelter obscured the area to the front of the premises and was a nuisance to the owners as youths would tend to congregate in the area surrounding the shelter. Mr. McMillan noted comparisons in the area and in particular he noted the Chartbusters retail premises, Irish Nationwide Building Society directly adjacent to the subject, Irish Permanent Building Society (a short distance away) and Bank of Ireland at Douglas Village Shopping Centre. Mr. McMillan contended that an ATM lobby was not rateable but agreed the measurements on same subject to determination on the issue by the Tribunal. Mr. McMillan noted that he had excluded car spaces from his calculations and accepted the Commissioner's figure of 15 spaces at £150 per space. This added an additional £11 to his R.V. He concluded his evidence by contending that a sum of £233 would be a fair rateable valuation having regard to the premises, the location and the comparisons adduced.

Under cross-examination Mr. McMillan conceded that the premises was not a normal retail premises. He conceded also that the area of Douglas Village was small and that the handicap of location was thus minimal. Mr. McMillan conceded that the subject property was superior to Irish Nationwide Building Society listed as a comparison and particularly with regard to the first floor offices above the banking area.

Mr. Peter Conroy gave evidence for the Commissioner. Having adopted his precis he stated that no commercial property was available in the Douglas area. He contended that the subject could not be used as a shop by virtue of its design. He contended that the premises ought to be more fairly compared with financial institutions in the immediate vicinity. He considered A.I.B. and Bank of Ireland and Irish Permanent to be the most appropriate comparisons and contended that his rateable valuation of £285 was fair and equitable having regard to all the circumstances.

Under cross-examination he conceded that there had been a change in the attitude of the Commissioner in valuing ATM machines since the valuation of the ATM'S in the Bank of Ireland and Allied Irish Bank had taken place. While he agreed that this was a departure from the position adopted by the Commissioner earlier he nevertheless felt that it was justified. Mr. Conroy stated that his favoured comparison would be one of those with a high street location in particular the Irish Permanent Building Society or the Bank of Ireland. However, the Bank of Ireland in Douglas Village Shopping Centre was also of particular relevance. Mr. Conroy indicated that he felt that £150 per car space for 15 car spaces would be reasonable in the circumstances.

Findings and Determination

The Tribunal has considered the written submissions and the oral evidence adduced and matters raised by the appellant and the respondent. Both the appellant and respondent have relied upon comparative evidence. The Irish Permanent Building Society and the Bank of Ireland at Douglas Village Shopping Centre are comparisons common to both parties. The Tribunal has noted the photographic evidence in respect of the subject and the comparisons.

The Tribunal considers the subject to be in this instance more worthy of comparison with banks and other financial institutions in the locality than with retail shop type premises and particularly by virtue of its design. The prevailing tone for financial institutions in the immediate area suggests a rate of £15 or thereabouts p.s.f. in respect of banking hall/retail areas. The Tribunal considers it appropriate to maintain the tone with regard to the subject premises.

The first floor offices are acknowledged to be of a good standard. In this respect the Tribunal is of the view that £6 p.s.f. is an appropriate rate. It is noted that the valuation of the rear offices area agreed as between the parties is £8 p.s.f. The Tribunal is satisfied that 15 car park spaces are properly to be included within the valuation of these premises.

Finally, the Tribunal considers the ATM area to be properly part of the banking facilities of the subject premises available at ground floor and has included them within that category and as set out hereunder:

Ground Floor to include Banking hall, Office and ATM Lobby 2,423 sq.ft.

		@ £15.00	=	£36,345
First Floor and Canteen	1,310 sq.ft.	@ £ 6.00	=	£ 7,860
Ground Floor Rear Offices	1,102 sq.ft.	@ £ 8.00	=	£ 8,816
Car spaces (15)		@ £150.00	=	<u>£ 2,250</u>
Total				£55,271

Say N.A.V. = £55,000

£55,000 @ 0.5% = £275.00

The Tribunal determines the rateable valuation to be £275.00.