

Appeal No. VA98/3/004

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

Durkins (Longford) Ltd.

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Shop at Map Reference 4-5, Townland: Townparks, Longford No. 1 Urban, U.D.
Longford, Co. Longford

B E F O R E

Con Guiney - Barrister at Law

Deputy Chairman

Rita Tynan - Solicitor

Member

Ann Hargaden - FRICS.FSCS

Member

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 17TH DAY OF MAY, 2000

By Notice of Appeal dated the 15th day of July 1998, the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £190 on the above described hereditament.

The Grounds of Appeal as set out in the said Notice of Appeal are that;

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

The appeal proceeded by way of an oral hearing that took place on the 11th day of June 1999 at the offices of the Valuation Tribunal, Dublin. The appellant was represented by Mr. Alan McMillan ASCS, ARICS, MIAVI of GVA Donal O' Buachalla & Company Limited. The respondent was represented by Mr. Malachy Oakes, a District Valuer in the Valuation Office. Having taken the oath each valuer adopted as their evidence in chief their written submission, which had previously been exchanged with each other and submitted to the Tribunal.

Material Facts agreed or found by the Tribunal

Valuation History

In 1981 revision following amalgamation of two smaller shops into one the R.V. was fixed at £60. There was no change on the 1981 first appeal. In 1991 revision following extensions to the shop the R.V. was increased from £60 to £130 and on 1991 first appeal was reduced from £130 to £105. R.V. of £105 was increased by prior agreement to £145 at 1995/2 revision. In 1997/4 revision following further renovation the R.V. was increased to £210. On 1997/4 first appeal the R.V. was reduced to £190. It is against this figure that the appeal lies.

Situation/Location

The property is located on Ballymahon Street and has frontage of 10 metres approximately and return frontage to Bog Lane (approximately 60 metres north of the junction with the Main Street and Dublin Street). Ballymahon Street is one-way north bound and forms the western side of a one-way triangle with Dublin Street and New Street. The property comprises a semi-detached retail premises being an amalgam of three constituent buildings.

Property

The premises comprise a substantial retail outlet with ground floor shop, stores, toilet and office. The buildings consist of the original front three-storey building, a two-storey return section and the more recent single storey extensions. The first and second floors are used as storage. To the rear there is a yard which is roughly paved and enclosed with access onto Bog Lane.

The front block is of rendered masonry construction under an old pitched and slated roof with suspended timber upper floors. Access to the upper floors is via an internal staircase.

The two-storey section is of similar construction but under flat timber felted roof.

The rear extensions are constructed of modern (cavity) concrete blockwork under a flat concrete roof.

The bulk of the ground floor is devoted to retail purposes and is relatively clear of intervening obstructions save for a number of large piers supporting the upper floors of the older front buildings.

Accommodation

<i>Ground Floor</i>	Shop	5,097 sq.ft.
	Office	158 sq.ft.
	Store	968 sq.ft.
<i>First Floor</i>	Stores	1,640 sq.ft.
<i>Second Floor</i>	Stores	1,000 sq.ft.

The Appellant's Case

Mr. McMillan submitted that the front building was reconstructed in 1979 with a new front elevation installed to accommodate first floor retailing.

First floor retailing was a failure and ceased after a few years. The first floor was then used for storage purposes and the second floor eventually became surplus to requirements.

A single storey rear extension had been built in several stages and offered good retail space but without natural lighting.

The front section of the ground floor is broken up somewhat by intervening structural pillar wall sections supporting the upper floor of the older three and two storey buildings.

He stated that Ballymahon Street has been in relative decline in recent times. He considered that a number of factors have contributed to this but principally the re-location of Quinnsworth/Tesco from Earl Street to the new Longford shopping centre off Main Street about 230 metres to the North. This centre affords the facility of one-stop shopping in a covered centre which in his view is more attractive to patrons particularly during inclement weather conditions. Moreover the centre offers abundant free car-parking in contrast to the unregulated on-street parking at Ballymahon Street.

He further submitted that there was a novelty factor in the new shopping centre and that people would go to see something new and that the new shopping centre was a purpose built covered enclosed centre with free car-parking and three access points, in contrast to Ballymahon Street which is a one-way street and traffic from the West or the North has to go right around the triangle out Dublin Street and turn right at the Cathedral to New street to get back to Ballymahon Street and perhaps find parking. He also stated that it was noticeable that Ballymahon Street was one-way and that much of the parking is taken by local workers early in the morning and is therefore not available to shoppers. He also advised that Longford is one of the few county towns in which Dunnes Stores has no large outlet. Recent plans for a new centre nearby at the Market Square/Harbour Row to be anchored by Dunnes Stores have fallen through and it was his view that this would have assisted a recovery in Ballymahon Street. He was also of the view point that the former Quinnsworth premises which was now in use as a furniture and carpet showroom obviously represents a much lesser attraction to shoppers. In conclusion he submitted that in his view the pendulum of commercial activity has fallen back towards Main Street with the advent of the new shopping centre and also the provision near-by of the development at Longford County Council Offices and the Camden Court Hotel at Great Water Street.

He advanced three comparisons – Heatons, Ballymahon Street R.V £120, Noel O’Connor t/a Newsround R.V. £40 and FW Woods Ltd. (Mace Supermarket) R.V. £130, referred to in **Appendix A** attached hereto which were all local and with reasonable circumstance on the street.

The comparisons show a cogent level of valuation at £3.50 to £4.70 depending on size and location. In his opinion a reasonable estimate of valuation may be calculated as follows;

Ground Floor:

	<i>Sq.Ft.</i>				
<i>Retail</i>	5,097	@	£3.50	=	17,840
<i>Offices</i>	158				
<i>Stores</i>	<u>968</u>				
	1,126	@	£3.00	=	3,378
<i>First Floor</i>	Stores 1,640	@	£2.00	=	3,280
<i>Second Floor</i>	Room 1,000	@	£1.00	=	1,000
		N.A.V.		=	£25,498

R.V. @ 0.5% = £127

The Respondent's Case

Mr. Oakes submitted that the subject hereditament which has a busy shoe and drapery trade was highly visible in Ballymahon Street and the surrounding area presents a good retail mix. He stated that Ballymahon Street became the premier retail location when Quinnsworth sited their supermarket in nearby Earl Street in 1980/81.

With the opening of the new Longford shopping centre in 1994 the supermarket was closed and sold and for a time Ballymahon Street declined.

He submitted that the decline has halted and indeed reversed with the designation of Market Square in 1996 and its subsequent development has rejuvenated the area. He stated that because of the size of the subject premises the zoning method was deemed appropriate. His valuation is set out below;

<i>Ground Floor</i>	<i>Shop Area</i>	<i>5,097 Sq.ft.</i>		<i>£</i>
	Zone A	680 @ £19.00	=	12,920
	Zone B	680 @ £ 9.50	=	6,460
	Zone C	680 @ £ 4.75	=	3,230

	Balance	3,057 @ £2.37	=	7,245
	Office	158 @ £5.00	=	795
	Stores	968 @ £3.00	=	2,904
<i>First Floor</i>	Stores	1,640 @ £2.25	=	3,690
<i>Second Floor</i>	Stores	1,000 @ £1.00	=	<u>1,000</u>
	Total		=	£38,244

Estimated N.A.V. Say £38,000

R.V. @ 0.5% £190.00

Under cross-examination he stated that the overall rate p.s.f. on the ground floor was £5.85. In relation to the retail area he cited two comparisons (1) Noel O'Connor and (2) Vincent Redmond referred to at **Appendix B** attached hereto.

Under cross-examination he agreed that he had valued the premises of Noel O'Connor at £17.00 p.s.f., Zone A compared to £19.00 Zone A on the subject stating that the subject has return frontage on Bog Lane and that this would explain the differential of £2.00 on Zone A.

Mr. Oakes disputed the figure of £4.70 quoted by the appellant in relation to the premises of Mr. Noel O'Connor and stated that a recent agreement on the premises was at a higher rate.

Determination

The Tribunal has considered the written submissions of the appellant and the respondent and the oral evidence of Mr. McMillan for the appellant and the oral evidence of Mr. Oakes on behalf of the respondent. The Tribunal has taken all evidence into consideration.

The Tribunal accepts the evidence of the appellant that there had been a shift in business from Ballymahon Street to the new shopping centre but concludes that the designation of the Market Square in 1996 has off set the decline and helped to rejuvenate the area.

In the circumstances and taking into account the comparisons and evidence adduced, the Tribunal determines the valuation as follows;-

Ground Floor	Retail	5,097 sq.ft. @ £5.00 = £25,485
	Offices 158 }	
	Stores 968 }	Total 1,126 sq.ft. @ £3.00 = £ 3,378
First Floor	Stores	1,640 sq.ft. @ £2.00 = £ 3,280
Second Floor	Room	1,000 sq.ft. @ £1.00 = £ 1,000

N.A.V. = £33,143

R.V. @ 0.5% = £165

The Tribunal therefore determines the rateable valuation at £165.