

Appeal No. VA98/3/119

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

Maddens Ltd.

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Shop, store, out-office, land & yard at Lot No. 20A, Dunshaughlin, Co. Meath.
Quantum - No direct comparisons

B E F O R E

Con Guiney - Barrister at Law

Deputy Chairman

Barry Smyth - FRICS.FSCS

Member

Finian Brannigan - Solicitor

Member

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 31ST DAY OF JANUARY, 2000

By Notice of Appeal dated the 5th day of August 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; "the valuation is excessive, inequitable and bad in law".

The appeal proceeded by way of an oral hearing, which took place on the 26th July 1999 at the offices of the Valuation Tribunal, Dublin. The appellant was represented by Mr. Eamonn Halpin ARICS, Eamonn Halpin & Company, Chartered Valuation Surveyors and the respondent was represented by Mr. John Colfer ARICS, a Valuer in the Valuation Office.

Having taken the oath each valuer adopted as his evidence in chief his written submission, which had previously been exchanged with the other valuer and submitted to the Tribunal.

Material facts agreed or found by the Tribunal

1. Valuation History

The property previously described as garage, petrol tank, office and land was assessed at R.V. £30 in 1950. In time it was extended and was refurbished circa. 1993. It was listed for revision by Meath County Council in 1997 to revalue as Maddens Stores. The valuation was assessed at R.V. £190. This was appealed and following the first appeal the valuation remained unchanged.

2. Situation

The property is situated at the northern end of Main Street, Dunshaughlin, Co. Meath, in a commercial location comprising mainly offices and retail outlets.

3. The Property

The property comprises an industrial or warehouse type building with a façade to the main street incorporating shop fronts and with fascia signs above. The building is constructed with concrete block walls, concrete floors and metal deck roof. This building is used as a hardware/builders provider's retail outlet. There is a detached store of simple construction to the rear of the site and a large display and storage yard to the side and rear.

4. Accommodation

Ground Floor

Retail Area 5,176 sq.ft. incl. 2,016 sq.ft. under a mezzanine level

Mezzanine floor,

offices & showroom 2,011 sq.ft.

Rear store 4,104 sq.ft.

Yard 18,500 sq.ft.

The Appellant's Case

Mr. Halpin in his evidence stated;

1. The internal fit out is very basic and the building is in essence a warehouse type structure with concrete block walls (old) and new metal deck roof.
2. The entire premises would be very difficult to let in one unit due to its size and the actual N.A.V. is constrained by this fact. This is a constant factor with this type of premises in various locations around the country and generally they tend to be valued at the local industrial rate and a premium for the quasi-retail use.
3. Given that good quality modern industrial units in the Navan/Dunshaughlin areas have been assessed @ £1.25/£150/p.s.f. on the 1988 tone, the value here could not exceed £2.50/£3/p.s.f. on the ground floor areas.

Mr. Halpin proposed a rateable valuation for the premises of £108 calculated as follows;

Retail area	3,160 sq.ft @ £3.00 p.s.f.
Retail area under mezzanine	2,016 sq.ft @ £2.00 p.s.f.
Mezzanine	2,011 sq.ft @ £1.50 p.s.f.
External store	4,104 sq.ft @ £1.00 p.s.f.
Yard	18,500sq.ft @ £0.05 p.s.f.

Total	£21,557.50 N.A.V. @ 0.5% = £107.78
Say	£108.00

Mr. Halpin provided five comparisons (summarised below) and stated that he was particularly relying on comparisons number 1 and 5.

No. 1	Hardware Shop, Main Street, Kilcullen, Co. Kildare	3661sq.ft @ £2.50/sq.ft.
No. 2	Furniture Showroom, Navan	3699sq.ft @ £3/sq.ft.
No. 3	Showrooms, Main Street Swords	5350sq.ft @ £4/sq.ft.
No. 4	Retail Warehouse, Swords	31,672sq.ft @ £4/sq.ft.
No. 5	Motor Showroom, Navan and Workshop	3210sq.ft @ £3/sq.ft. 5016sq.ft @ £2/sq.ft.

In cross-examination Mr. Halpin accepted that normal industrial units in Dunshaughlin Industrial Estate are valued at an average of £2.00 p.s.f. for rating purposes.

In relation to his comparisons the following arose;

- No. 1** Kilcullen he accepted as a lower value area than Dunshaughlin.
- No. 2** Navan furniture has low ceiling height and is not in the town centre.
- No. 3** The premises at Main Street Swords has since been demolished.
- No. 4** Although in an industrial estate the retail warehouse is a superior retail premises to the subject and is the very best of its type.
- No. 5** The Navan motor premises has headroom of approximately 18 feet.

The Respondent's Case

Mr. Colfer in his evidence stated;

The property has been upgraded to a good standard with insulated roof and lined walls and compares favourably with modern large retail properties.

He proposed a rateable valuation of £190 calculated as follows;

Shop	5,176 sq.ft. @ £4.25 p.s.f.
1st Floor	2,011 sq.ft. @ £2.50 p.s.f.
Outside store	4,104 sq.ft. @ £2.00 p.s.f.
Yard	18,500 sq.ft. @ £0.15 p.s.f.

Total N.A.V. £38,008 @ 0.05% = £190

Mr. Colfer provided two comparisons, summarised below:

Goodwins Ltd. – 1997 Revision

Shop, stores and yard

19b Castle Street, Ashbourne

Shop	2,492 sq.ft. @ £5.00
Stores	6,852 sq.ft. @ £1.50
Yard	14,461 sq.ft. @ £0.15

J.L. Kelly – 1997 Revision

Shop

22 Dunboyne

Shop	1,836 sq.ft. @ £5.85
1st Flr. Stores	1,077 sq.ft. @ £2.50
Outer store	2,070 sq.ft. @ £2.00

Each of the above is derived from a rateable valuation.

In cross-examination Mr. Colfer stated;

- His comparison number one is no longer trading as a hardware shop as it has reverted to an industrial use but at the time of valuation, as noted above, it was trading as a hardware shop and that revision was not appealed.

- In relation to comparison number two, J.L. Kelly shop, it was a convenience store rather than a large hardware shop but Main Street, Dunboyne was not as good as Main Street, Dunshaughlin.
- That industrial units in Dunshaughlin were assessed in the range of £1.75 p.s.f. to £2.25 p.s.f. That Zone A rents in Dunshaughlin in 1998 for rating purposes were approximately £14 p.s.f. and while he had not researched the levels in Kilcullen, he accepted Mr. Halpin's view that they were in the order of £10/£12 p.s.f.
- That Mr. Halpin's comparison number 5 Joe Norris Motors, Navan is in a secondary commercial location adjacent to a petrol filling station, part comprising a repair workshop.

Determination

These premises comprise a retail warehouse type premises with a shop façade located on the Main Street, Dunshaughlin rather than the more usual out of town or industrial estate location for such premises. No directly applicable comparisons were provided by either side, the appellant suggesting a shop in Kilcullen some considerable distance away, similar size premises in Navan but with low headroom and from the photos supplied apparently a converted residential cottage, a premises which has since been demolished, a vastly superior purpose built retail warehouse unit and motor showrooms, workshops and petrol filling station. The respondent has provided comparisons of a hardware outlet in an industrial estate which has since ceased to trade as that and a smaller shop premises in an inferior retail location. The Tribunal has therefore had to make adjustments to the figures derived from the comparisons for location, quantum and type of premises and assesses the rateable valuation at £150 calculated as follows;

Ground Flr. retail space	5,176 sq.ft. @ £3.50 p.s.f.	=	£18,116.00
Mezzanine Floor	2,011 sq.ft. @ £1.50 p.s.f.	=	£ 3,016.50
Outside stores	4,104 sq.ft. @ £1.50 p.s.f.	=	£ 6,156.00
Yard	18,500 sq.ft. @ £0.15 p.s.f.	=	£ 2,775.00
	Total	=	£30,063.50
	Say N.A.V.	=	£30,000.00
	@ 0.5% R.V.	=	£150.00

And the Tribunal so determines.

