

Appeal No. VA98/3/120

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

Denholme t/a Sasha

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Shop at Lot No. 36 High Street, E.D. Kilkenny No. 1 Urban, U.D. Kilkenny, County
Borough of Kilkenny
Quantum - Comparisons, tone of the list

B E F O R E

Con Guiney - Barrister at Law

Deputy Chairman

Barry Smyth - FRICS.FSCS

Member

Michael Coghlan - Solicitor

Member

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 21ST DAY OF MAY, 1999

By Notice of Appeal dated the 5th August 1998 the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £90 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 17th day of May 1999 in the Council Chamber, Kilkenny County Council, Kilkenny. Mr. Eamonn Halpin B.Sc. [Surveying] ASCS ARICS MIAVI of Eamonn Halpin & Co. appeared on behalf of the appellant. Mr. Noel Norris, a District Valuer with 23 years experience in the Valuation Office, B. Commerce Graduate Diploma in Planning and Development Economics M.I.A.V.I. appeared on behalf of the Commissioner of Valuation. In accordance with practice and as required by the rules of this Tribunal the parties had prior to commencement of the hearing exchanged précis of evidence and submitted same to us. Having taken the oath each valuer adopted as his evidence in chief his précis subject to the agreed amendments in the areas, which were negotiated immediately prior to hearing.

The Property

The premises is a retail shop unit favourably located on the High Street which is effectively the best retail street within the City of Kilkenny. The premises comprised a ground floor retail unit, a small mezzanine store and office and basement store. The subject property has an agreed net floor area of 1,225 sq. ft.. The unit is somewhat irregular in configuration and has a street frontage of 15 ft.

The subject unit was originally held under 20 year lease with 7 yearly reviews from 1973. Subsequently a new 20 year lease was negotiated from June 1994 at an annual rental of £17,500 of FRI terms and with standard 5 year reviews.

Valuation History

The subject premises was listed for revision in May of 1996. In November of 1997 upon revision, the rateable valuation was increased to £90. In December of 1997 the Appellant's lodged a first appeal, which said appeal was heard by the Commissioner on the 6th day of July 1998 when the Commissioner again determined a rateable valuation of £90. By notice dated the 5th day of August 1998 the Appellant's appealed against the Commissioner's assessment which said appeal now lies before the Tribunal.

Submissions of the Parties

Mr. Halpin in giving his evidence noted what appeared to be a “tone” set within the High Street area at £30 p.s.f. for Zone A property across the board. He felt that this was an unreasonable method for valuation giving the varying nature of shop frontages and the reduction in value at each end of the High Street area. In his view the top rate for the best areas of Zone A should be at £25 p.s.f. He noted the lease and indicated that in his view the lease could be considered to be conservative in its valuation and the reduction to 1988 values within his précis reflects this.

Mr. Norris adopted his submission as subject to the agreed areas as referred to earlier. He noted his comparisons number one and number five as most relevant as they are adjoining the subject property. Under cross-examination he was asked whether the valuation of comparison number five was agreed or not and indicated that he was not aware as to whether agreement had occurred. Similarly with regard to comparison number three he was not aware as to whether there had been a reduction initially but upon research of the issue noted that there had in fact been a reduction from £120 down to £100 on a final devaluation.

Determination

The Tribunal has considered the evidence of Mr. Halpin and Mr. Norris and has noted the content of the submissions. In coming to the determination it has taken note of the overall picture within the high street and indeed the relatively conservative valuation adopted within the lease under which the subject premises is held. Noting the general tone of the properties in the immediate vicinity however the Tribunal are minded to maintain a valuation of £30 p.s.f. for Zone A in the subject premises. Accordingly the Tribunal has determined that the valuation of the subject premises should be £80 devalued as follows.

Front Shop	309 sq.ft.	@	£30	=	£9,270
Middle Shop	291 sq.ft.	@	£15	=	£4,365
Rear Shop	266 sq.ft.	@	£7.50	=	£1,995
Balance	113 sq.ft.	@	£3.75	=	£423.75
Mezzanine	113 sq.f.t	@	£2.00	=	£226.00
Basement	133 sq.ft.	@	£1.00	=	<u>£133.00</u>

Total Valuation

£16,412.75

However, having regard to the overall value of the premises as reflected within the lease, the Tribunal fixes this figure at £16,000 and, devalued at the usual ratio of 0.5%, giving a rateable valuation at £80.00