

Appeal No. VA98/3/124

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

Paddy White
APPELLANT

and

Commissioner of Valuation
RESPONDENT

RE: Shop and Store at Map Reference Lot 2, Rose Inn Street, Kilkenny No.I Urban,
County Borough of Kilkenny
Quantum - location, zoning methodology

B E F O R E

Con Guiney - Barrister at Law

Deputy Chairman

Barry Smyth - FRICS.FSCS

Member

George McDonnell - F.C.A.

Member

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 8TH DAY OF DECEMBER, 1999

By Notice of Appeal dated the 5 August 1998, the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £60 on the above described hereditament.

The grounds of appeal as set out in the 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 in Kilkenny on the 3rd December 1999. Mr. Eamonn Halpin B.Sc. (Surveying) A.S.C.S. A.R.I.C.S.

M.I.A.V.I. of Eamonn Halpin & Co. appeared on behalf of the appellant. Mr. Noel Norris, a District Valuer with 23 years experience in the Valuation Office appeared on behalf of the Commissioner of Valuation. Prior to the commencement of the hearing the parties had exchanged their precis of evidence and submitted the same to this Tribunal. Both valuers having taken the oath adopted their precis as being their evidence in chief. Submissions were also made. From the evidence so tendered the following emerged as being the facts relevant and material to and for the purposes of the appeal.

The Property

The property comprises a traditional three story terraced town house with butcher's shop on the ground floor, preparation at 1st floor and cold store to the rear of the ground floor. There is also a disused stores area on the second floor. The property is located on the wider section of Rose Inn Street, only one building removed from High Street and opposite the Parade and car and bus parks.

Valuation History

Premises listed for revision in 1996. Results of revision issued in November 1996 increasing the valuation on the subject to £60. No change was made to the valuation at First Appeal. The appeal to this Tribunal was lodged on 5th August 1998.

Appellant's Valuation, Assessment and Comparisons

Mr. Halpin on behalf of the appellant assessed the rateable valuation on the subject premises as follows:

Valuation : Estimated N.A.V. (1988 tone)

Agreed Areas Shop 350 sq.ft.

Shop Zone "A"	300 sq.ft. @ £15.00	£4,500
Shop Zone "B"	50 sq.ft. @ £ 7.50	£ 375
Cold Store	68 sq.ft. @ £ 5.00	£ 340
1 st Flr. preparation area	290 sq.ft. @ £ 3.00	£ 870
2 nd Flr. disused store	290 sq.ft. @ £ 1.00	<u>£ 290</u>
		£6,375

@0.5% = £31.87 *say* **£32.00**

or

Estimated rental value (1988)

£120 per week

£6,250 @ 0.5% = £31.20

Comparisons offered:

Net annual values:

1. **ESB** Lot 9 Patrick Street Kilkenny 1995/4 1st Appeal RV£55.
2. **Michael McGrath** Lot 6 Patrick Street 1996/3 1st Appeal RV £65.
3. **Lot 13a The Parade** 1990 RV £46.

Rental Values:

4. **Bed Finders Shop** Rose Inn Street let for £130 /week in 1996.
5. **Mobile Connections** Lot 7 Rose Inn Street let from 6/4/99 at £200 per week
Landlord pays building insurance and repairs.
6. **Katz** Lot 12-16 Rose Inn St. Kilkenny. Let 1996 as art gallery, substantial building including upper floors, let for £230 1996 FRI terms : Relet 1999 £380 per week FRI terms.

Mr. Halpin said that the premises could not be compared with High Street and not even the adjacent lower value area of High Street. He accepted that the premises was in the best part of Rose Inn Street with the possible exception of the Xtra-Vision premises which had a better profile at the bridge.

Respondent's Evidence

Valuation:

Shop	350 sq.ft. @ £25.00 p.s.f.	=	£8,750
Shop	68 sq.ft. @ £12.50 p.s.f.	=	£ 850
First Flr.	290 sq.ft. @ £ 6.00 p.s.f.	=	£1,740
Second Flr.	290 sq.ft. @ £ 2.00 p.s.f.	=	<u>£ 580</u>
			£11,920

R.V. @ 0.5% = £59.60 *say* **£60.00**

Comparisons

1. **Patrick & Eileen Creevy** 42a Rose Inn Street, Kilkenny. Shop Hostel and Yard £75 RV. 1991/4 FA.

2. **Xtra Vision Ltd** Lot 42b Rose Inn Street, Kilkenny, £65 R.V. 1995/4
Revision Lease 21 year with 5 year reviews from 1994 at £16,000pa.
3. **Francis Wall Drapery** Lot 11 High Street, RV£100 1997/2 FA.

Mr. Norris said that this was a high profile location and could not be compared with other shops in the very narrow sections of Rose Inn Street. High Street was a valid comparison and he had made a downward adjustment to reflect that fact, or at least to reflect the difference between High Street and Rose Inn Street.

Tribunal Findings and Determination

The Tribunal considers that this particular part of Rose Inn Street is an excellent location and it effectively forms part of the center of Kilkenny. The intersection of the Parade and High Street, is the nub of general activity. Carparking and the tourist center as well as the local population are all in the immediate vicinity. It is not unreasonable therefore to compare these premises with one at the nearby end of High Street and this would be more relevant than other premises on Rose Inn Street which are in the very narrow section, or on Patrick Street which is moving away from the retail use and pedestrian volumes. The profile of Xtra-Vision is to motorists which is not at all as relevant as pedestrian passing trade. We therefore accept the Commissioner's figure of £25 per sq.ft. but feel that this should be in Zone A which is 300 sq.ft, with 50 sq.ft. in Zone B. The cold store is in an outside area and therefore is treated on its own and not within the zoning. We assess the Rateable Valuation as follows:

Shop zone A	300 sq.ft. @ £25 per sq.ft. = £7500
Shop zone B	50 sq.ft @ £12.50 = £625
Cold Store	68 sq.ft. @ £6 = £408
First floor	290 sq.ft. @ £5 = £1450
Second floor	290 sq.ft. @ £2 = £580
	TOTAL NAV= £10,563
	@ 0.5% = £52.81 say £53

And the Tribunal therefore determines the Rateable Valuation at £53.