

Appeal No. VA99/4/011

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

Córas Iompair Éireann

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Map Reference 30A Drumcondra Road Lower, Townland: Sundry Townlands, Ward:
Botanic C, C.B: Dublin

B E F O R E

Barry Smyth - FRICS.FSCS

Deputy Chairman

Anita Geraghty - Solicitor

Member

Tim Cotter - Valuer

Member

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 19TH DAY OF MAY, 2000

By Notice of appeal dated 5th day of October 1999, the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £28 on the above described hereditament.

The grounds of appeal are that "the assessment is excessive and inequitable having regard to the provisions of the Valuation Acts and on other grounds also".

The appeal proceeded by way of an oral hearing which took place on Friday 24th March 2000 at the Tribunal office in Dublin.

Ms. Julie Duggan BSc, Property Management Department of C.I.E. appeared on behalf of the appellant. Ms. Duggan was assisted by Mr. Paul McGrath. Evidence was also given by the current licensee, Ms. Crilley, for the appellant. Mr. Brian O'Flynn a district valuer with 25 years experience in the valuation office gave evidence on behalf of the respondent. In accordance with practice and as required by the rules of this Tribunal, the parties had prior to the commencement of the hearing exchanged précis of evidence, and submitted same to us.

Material Facts agreed or found by the Tribunal

The Property

The property which was redeveloped in 1998, comprises of a ground floor retail unit with access to the station and access to the Drumcondra road. Currently operating as a snack bar.

Situation

The property is situated in Drumcondra railway station which is approximately 0.8 miles from the city centre. The immediately surrounding area is predominantly retail. The road carries a high volume of vehicular traffic. The property is well served by public transport being within the railway station. Drumcondra road is also on a number of bus routes to and from the city centre. Drumcondra road is an extremely busy road, and on street car parking is limited in the immediate area. There are no car parking facilities at the station.

Valuation History

The relevant valuation history is that the premises were first rated for rates in 1998 fourth quarterly revision of valuation (November 9th 1998) at a rateable valuation of £28. At first appeal this valuation was unchanged in the 1999 third quarterly appeal list and this rateable valuation is now the subject of this Tribunal appeal.

Accommodation

	<i>Sq. m.</i>	<i>Sq. ft</i>
Ground floor including under stairwell:	23.96	258
Work area:	4.6	49.5
Seating for 17 people.		
No independent WC or washroom facilities.		

The Appellant's Case

Ms Julie Duggan adopted her written submission as her evidence in chief given under oath. In her opening remarks she outlined the valuation history of the property and disputed the R.V. of £28. She outlined the following adverse factors affecting the valuation:

- 1 Because of its close proximity to the city, difficult to get established and parking is a problem.
- 2 The unit is overshadowed by the railway bridge thus diminishing a profile to Drumcondra Road. Ms. Duggan provided photographs to support this point.
- 3 The unit is of poor retail design, the frontage is only 2.4 m/8ft compared to 6.4m / 21 ft in the other nearby shops.
- 4 Due to the shop design it is mainly reliant on passenger traffic from the station. There are only approximately 200 passengers a day through the station.
- 5 The layout of the unit is not conducive to trade. It is partly located under a stairwell where seating cannot be placed. The work area is 4.6 m/49.5 sq.ft. including display counter. There is seating for only 17 people and no independent WC or Wash room facilities.

6 In the letting history as detailed above, the unit has been offered for tender twice. On both occasions the strongest offer received was accepted. The first trader failed to establish a reasonable trading business, and the second is experiencing difficulties.

Ms. Duggan in her oral evidence outlined that the unit when offered had been put through a marketing advertising campaign and the strongest offer was accepted but however the first trader did not succeed even though under the terms of the license C.I.E. are responsible for rates and repairs and the licensee for all other outgoings.

Ms. Duggan gave evidence that other units in the area had a higher profile and could not be compared with the subject unit. They had better street frontage and were not overshadowed by the bridge.

Ms. Duggan proposed an RV of £16 on the subject premises based on rental values as of 1988 and using the Lisney retail index.

She gave by way of comparison the Sandycove Station which has a far greater through-put of passengers per day. The R.V. for Sandycove is £8.00. However as the valuation date was not recent, Ms. Duggan accepted that no reliance would be placed on this comparison.

Ms. Crilly the current licensee gave evidence of poor trading due to lack of numbers using the station. The station is closed on Sundays and bank holidays which further limits the business in the subject. Although the road is busy the unit is set back and this further affects trading. No other business arises to the subject from the other shops in the immediate area.

The Respondent's Case

Mr. Brian O'Flynn adopted his written submission as his precis of evidence given under oath.

Mr. O'Flynn stated that the net annual value as of November 1988 was in line with other recently revised hereditaments in Dublin City.

He quoted four comparisons in the immediate area.

Mr. O'Flynn stated that the initial tender for the premises in March 1988 was £8,559 per annum. He said after a few months of trading a new license fee of £4,500 -was agreed from 1/12/98. This agreement was terminated in February 1999. A new fee with a different licensee was agreed for a term of four years from 1/3/1999 at a fee of £4,665 per annum. Under cross-examination by Ms. Duggan, he said that all units were dependent on passing trade. Mr. O'Flynn stated that the subject unit has advantages over other units in that four shops were together and the subject unit was set back on its own.

Mr.O'Flynn suggested that the use of signs and Sunday opening for matches might help to improve trade.

Determination

The Tribunal finds that the subject unit has some short-comings when compared with the comparisons. The later have in general larger street frontage and are more visible to the general public. The subject premises depends mainly on passengers through the station which are few in number. The premises also suffers from the fact that the station is closed on Sundays and bank holidays and the limitations inherent in the type of business carried on.

In the light of the above comments and the evidence adduced by the parties we determine the valuation at £19.00 calculated as follows.

Shop 258 sq.ft. @ £12.00	N.A.V.	=	£3,096
	R V@ 0.63%	=	£19.50
	Say RV	=	£19.00

And the Tribunal so determines.