

Appeal No. VA14/5/927

**AN BINSE LUACHÁLA**  
**VALUATION TRIBUNAL**  
**AN tACHT LUACHÁLA, 2001**  
**VALUATION ACT, 2001**

**Brian Crowe Solicitors**

**APPELLANT**

**And**

**Commissioner of Valuation**

**RESPONDENT**

**In Relation to the Issue of Quantum of Valuation in Respect of:**

Property No. 2200987, Office at 177 Harolds Cross Road, Rathmines, County Borough of Dublin.

**JUDGMENT OF THE VALUATION TRIBUNAL**  
**ISSUED ON THE 22<sup>ND</sup> DAY OF AUGUST, 2016**

**B E F O R E:**

**Majella Twomey - BL**

**Deputy Chairperson**

**Brian Larkin - BL**

**Member**

**Hugh Markey – FRICS, FSCSI**

**Member**

By Notice of Appeal received on the 4<sup>th</sup> day of September, 2014 the Appellant appealed against the determination of the Commissioner of Valuation in fixing a net annual value of €6,300 on the above described relevant property on the grounds as set out in the Notice of Appeal as follows:

*“The subject property’s estimate of net annual value is excessive and inequitable. The subject property is primarily a domestic residence with commercial office accommodation at ground floor level (pt. thereof). The commercial element shares its entry and hallway with the residence. The property has no separate gas, water, telephone or electricity supply. The hypothetical tenant would thus only be interested in renting this property at a serious discount, given the nature of the accommodation. Even the main office is often in use domestically. The Commissioner is still valuing the subject property in line with other independent offices in the vicinity, which places an excessive burden on the subject property given the nature of the restrictions here.”*

The Tribunal, having examined the particulars of the property the subject of this appeal; having confirmed its valuation history; having examined and considered the written evidence and having heard the oral evidence on the 11<sup>th</sup> day of May, 2016 adduced before us by Mr David Halpin on behalf of the Appellant, who contended for a net annual value of €2,890 and Mr Paul Mooney on behalf of the Respondent to the appeal,

## **DETERMINES**

That the net annual value of the subject property be as set out below:

Office 52.54 sq.m. @ €80 per sq.m. = €4,203.20

Say €4,200

## **The reasoning being**

1. The Tribunal considered that none of the comparators put forward by the parties were immediate comparable to the subject which comprises ground floor office accommodation in a residential building with shared access, kitchen and bathroom facilities; without associated car parking facilities.
2. The Commissioner relied upon 3 items of market evidence to inform his estimate of NAV. None were of particular assistance in informing the Tribunal's findings.
3. The Commissioner put forward 4 properties, valued as Office/House, as comparators of evidence and uniformity; valued at €120 per sq.m. The Tribunal is of the view that only NAV Comparison 1, 3 Greenmount Lane is the most relevant but needs to be adjusted to reflect the very different characteristics of the subject property. The comparator is an own door, single occupier, office property.
4. The Tribunal found the Appellant's Comparator 6 – PN 810943, 5 Cambridge Villas, Belgrave Road, Rathmines to be of most assistance. This is valued at a rate of €120 per sq. m. This comparator shared some of the characteristics of the subject but differed in that it has a separate entrance and accordingly an adjustment is required. The Appellant's representative argued for an adjustment of 50% - equally attributable to the shared access and quality of location.
5. The Tribunal finds the appropriate rate to apply to the subject to reflect the unique nature and particular circumstances is €80 per sq. m.

And the Tribunal so determines