

Appeal No: VA23/5/0749

AN BINSE LUACHÁLA

VALUATION TRIBUNAL

NA hACHTANNA LUACHÁLA, 2001 - 2015

VALUATION ACTS, 2001 - 2015

SUNSHINE VIEW LTD T/A EXPRESS DRYCLEANERS

APPELLANT

and

TAILTE ÉIREANN

RESPONDENT

In relation to the valuation of

Property No. 1343201, Retail (Shops) at 58a59a High Street, Westport, County Mayo.

JUDGMENT OF THE VALUATION TRIBUNAL

ISSUED ON THE 22ND DAY OF OCTOBER 2025

BEFORE

Eoin McDermott - FSCSI, FRICS

Deputy Chairperson

1. THE APPEAL

- 1.1 By Notice of Appeal received on 18th October 2023 the Appellant appealed against the determination of the Respondent pursuant to which the net annual value ('the NAV') of the above relevant Property was fixed in the sum of €16,640.
- 1.2 The sole ground of appeal as set out in the Notice of Appeal is that the determination of the valuation of the Property is not a determination that accords with that required to be achieved by section 19 (5) of the Act because : (a) *The Valuation is Incorrect: I pay €10,800.00 rent annually and the proposed valuation is very high towards that amount in my opinion.* (b) *Details stated in the relevant Valuation List are incorrect: My shop is not a retail shop as stated I provide a service (Drycleaning)(launderette)for people use. therefore a quarter of our floor space is taken up with storage.* (d) *Property Concerned ought to have been excluded in relevant Valuation List: My shop is not on the main busy street of Westport, it is on a corner of two side streets.* (e) *Other grounds:*

In my opinion with the limited use of service due to all our storage the proposed valuation of €16,640.00 is deemed to be very high.

- 1.3 The Appellant considers that the valuation of the Property ought to have been determined in the sum of €78.42.

2. RE-VALUATION HISTORY

- 2.1 On 23rd September 2022 a copy of a valuation certificate proposed to be issued under section 24(1) of the Valuation Act 2001 (“the Act”) in relation to the Property was sent to the Appellant indicating a valuation of €18,810.
- 2.2 Being dissatisfied with the valuation proposed, representations were made to the valuation manager in relation to the valuation. Following consideration of those representations, the valuation of the Property was reduced to €16,640.
- 2.3 A Final Valuation Certificate issued on 15th September 2023 stating a valuation of €16,640.
- 2.4 The date by reference to which the value of the Property, the subject of this appeal, was determined is 1st February 2022.

3. DOCUMENT BASED APPEAL

- 3.1 The Tribunal considered it appropriate that this appeal be determined on the basis of documents without the need for an oral hearing and, with the agreement of the parties, the Chairperson assigned the appeal to one member of the Tribunal for determination.
- 3.2 In accordance with the Tribunal's directions, the parties exchanged their respective summaries of evidence and submitted them to the Tribunal. The Appellant also furnished a response to the Respondents submission. The Appellant’s summary and response was prepared by Mr. David Halpin MSc (Real Estate) BA (Mod) of Eamon Halpin & Co. Ltd, and the Respondent’s summary was prepared by Ms. Valerie Bradshaw, BA (Hons) of Tailte Éireann. Both submissions contained a Statement of Truth.

4. FACTS

- 4.1 The parties are agreed as to the following facts.

4.2 The property is located at the junction of High Street and Mill Street, Westport. The property occupies a prominent position at the intersection of High Street, Mill Street, Bridge Street and Shop Street in the town centre. The immediate vicinity is predominantly retail.

4.3 The property comprises a ground floor retail unit currently in use as a dry cleaners, with glazed frontage to both Mill Street and High Street. The property has been measured on a zoned basis, and the floor areas are as follows:

	Floor	Area (sq.m.)
Zone A	0	27.78
Zone B	0	16.82

4.4 The property is held on a 15-year Internal Repairing and Insuring lease from 16th February 2021 at an annual rent of €10,800. The current tenant has occupied the property since April 2000.

5. ISSUES

The issues in the original appeal were the rent per sq.m. applied by the Respondent and whether there should be any allowance for the frontage to depth ratio. The Respondent subsequently accepted the rental level of €350 per sq.m. sought by the Appellant in its submission but did not accept that an allowance for the frontage to depth ratio was warranted, believing instead that a loading should be applied to reflect the dual frontage enjoyed by the property. Therefore, the issue to be decided is whether the NAV should specifically reflect the frontage to depth ratio and/or dual frontage.

6. RELEVANT STATUTORY PROVISIONS:

6.1 The net annual value of the Property has to be determined in accordance with the provisions of section 48 (1) of the Act which provides as follows:

“The value of a relevant property shall be determined under this Act by estimating the net annual value of the property and the amount so estimated to be the net annual value of the property shall, accordingly, be its value.”

6.2 Section 48(3) of the Act as amended by section 27 of the Valuation (Amendment) Act 2015 provides for the factors to be taken into account in calculating the net annual value:

“Subject to Section 50, for the purposes of this Act, “net annual value” means, in relation to a property, the rent for which, one year with another, the property might, in its actual state, be reasonably be expected to let from year to year, on the assumption that the probable annual cost of repairs, insurance and other expenses (if any) that would be necessary to maintain the property in that state, and all rates and other taxes in respect of the property, are borne by the tenant.”

6.3 Section 19 (5) of the Act provides:

“The valuation list as referred to in this section shall be drawn up and compiled by reference to relevant market data and other relevant data available on or before the date of issue of the valuation certificates concerned, and shall achieve both (insofar as is reasonably practicable) —

(a) correctness of value, and

(b) equity and uniformity of value between properties on that valuation list,

and so that (as regards the matters referred to in paragraph (b)) the value of each property on that valuation list is relative to the value of other properties comparable to that property on that valuation list in the rating authority area concerned ...”

7. APPELLANT’S CASE

7.1 Mr. Halpin, on behalf of the Appellant, noted that the original NAV on the property, based on a Zone A level of €450 per sq.m., was excessive when compared to the rental evidence of the subject property (€298.42 ITZA), and its nearest comparisons. (€347.95 and €318.16 ITZA). The rental comparisons are listed at Appendix A (N/A to public). It is noted that all the comparisons were appealed to the Valuation Tribunal but that there is an agreement in the case of VA23/5/0179 (Lloyds Pharmacy) where the revised valuation is based on a Zone A rate of €350 per sq.m. and a frontage to depth allowance of 10% is given. Mr. Halpin notes that the Zone A area accounts for 66.7% of the area of the Lloyds unit while it comprises 62.3% of the area for the subject property. He states that the Appellants seek exactly the same result in the subject case, as underpinned by the rent.

7.2 Mr. Halpin also notes that no allowance has been made for the frontage to depth ratio as applied in the Tribunal decisions VA17/5/1187, VA17/5/1192, VA19/5/0948 & VA17/5/665. A copy of VA17/5/1187 was included with the submission.

7.3 Mr. Halpin seeks a valuation of €11,400, calculated as follows: -

Level	Use	Area (sq.m.)	NAV (sq.m.)	NAV
0	Zone A	27.78	€350	€9,723.00
0	Zone B	16.82	€175	€2,944.00
	Less frontage to depth allowance		10%	(€1,267)
	NAV			€11,400

8. RESPONDENT'S CASE

8.1 Ms. Bradshaw, on behalf of the Respondent, described the property and its location using photographs and plans contained in her submission. She described the property as a ground floor, corner retail unit, in a two-storey building. The property is currently used as a Dry Cleaners. The unit has glazed windows, a glazed door, tiled flooring, fluorescent lighting and air conditioning. A fire exit passage to the rear of the unit opens onto a shared yard. The unit is described as being in reasonable condition throughout. The main entrance is accessed via 2 steps, is 3 meters back from the kerb and lies equidistance between Mill Street and High Street. The unit has glazed frontage onto both Mill Street and High Street.

8.2 In response to the Appellants submission, Ms. Bradshaw accepts that a Zone A of €350 per sq.m. is the appropriate rental level for the subject property. She notes that the rental information provided for the subject property refers to a lease renewal rather than an open market letting. In relation to the frontage to depth allowance she states that the 10% frontage to depth allowance applied to VA23/5/0179 (Lloyds Pharmacy) is due to the fact that that property has a frontage to depth ratio of 1:0.8. She points out that the subject property has a frontage to depth ratio of 1:2.8, which in the opinion of the Respondent does not warrant a frontage to depth allowance as it is within the parameters suggested by the SCS Information paper 'Professional Guidance – Retail Zoning for

the Chartered Surveyor’, a copy of which is contained in her submission. She notes that the guidance information paper suggests that ‘in terms of frontage to depth, a ratio of 1:3 is felt to be ideal’.

8.3 In relation to the Valuation Tribunal decisions cited by the Appellant, Ms. Bradshaw noted that frontage to depth ratio in the first and fourth comparisons cited were 1:0.53 and 1:0.25 respectively. She further notes that in the second and third cases cited, both properties were valued on an overall basis.

8.4 Ms. Bradshaw also suggests that the valuation warrants a 10% loading to reflect the benefit of the property’s frontage onto both Mill Street and High Street, as per the aforementioned SCSI Information paper.

8.5 Ms. Bradshaw put forward two Key Rental Transaction which are set out in Appendix B (N/A to public). She also put forward 4 NAV comparisons as follows:

Property Number	Address	NAV per	NAV
2195502	Unit 1, Mill House, Mill Street, Westport, Co. Mayo. 28AX83	€350	€19,600
1343203	Mill Street, Westport, Co. Mayo F28XW97	€460	€29,100
1343205	Mill Street, Westport, Co. Mayo F28XP64	€460	€33,100
1342893	In 10, The Octagon, Westport, Co. Mayo F28 E3X4	€250	€5,330.00

The first NAV comparison cited is the Lloyds Pharmacy property referred to in the Appellants submission. The second comparison is adjacent to the subject property and is under appeal to the Tribunal and provisionally agreed at a Zone A level of €350 per sq.m. The third comparison is under appeal to the Tribunal and provisionally agreed at a Zone A level of €350 per sq.m. The final comparison valued at under appeal to the Tribunal and provisionally agreed at a Zone A level of €350 per sq.m. with a 10% addition for dual frontage.

8.6 Ms. Bradshaw requested the Tribunal to affirm the valuation of €13,930, made up as follows: -

Level	Use	Area (sq.m.)	NAV (sq.m.)	NAV
0	Zone A	27.78	€350	€9,723.00
0	Zone B	16.82	€175	€2,943.50
	Plus dual frontage loading		10%	€1,266.65
	Total			€13,933.15
	NAV		say	€13,930.00

8.7 Replying to the Respondents submission, Mr. Halpin pointed out that the rental evidence provided on by the Respondent did not support the Zone A level sought and noted that it was open to the Tribunal to vary the Zone A rate in line with the evidence provided. He also takes issue with the Respondents decision to apply a 10% loading for dual frontage, stating that the SCSI Guidelines do not mention loading in respect of dual frontage. He queries the loading applied to PN1342893 cited by the Respondent and raises a question as to whether that property should be considered as having dual frontage at all. He also provides details (including pictures) of 7 dual frontage properties in Westport and notes that there is no loading for dual frontage in any of them.

PN	Property	Street	NAV
1343201	subject	High Street/Mill Street	Under Appeal
1342673	Aodha Craft	Bridge Street/Mill Street	Under Appeal
1342780	Thomas Moran	Bridge Street/Shop Street	26,700
1342807	Ash-ling Gifts	James Street/Octagon	15,740
1342898	Ginos Gelato	Shop Street/Octagon	39,900
1342733	McGreevys	Bridge Street/South Mall	64,700
1343712	O'Donnells	North Mall/Castlebar St	5,180

9. FINDINGS AND CONCLUSIONS

9.1 On this appeal the Tribunal has to determine the value of the Property so as to achieve, insofar as is reasonably practical, a valuation that is correct and equitable so that the valuation of the Property as determined by the Tribunal is relative to the value of other comparable properties on the valuation list in the rating authority area of Mayo County Council.

- 9.2 The Tribunal has found on several occasions that the onus of proof rests with the Appellant in an appeal (See *Proudlane Ltd. t/a Plaza Hotel* (VA00/2/032) and *AIB Group PLC v Commissioner for Valuation* (VA20/4/0053)). The position was expanded on in Tribunal decision *FGM Properties v Commissioner for Valuation* (VA19/5/1091) wherein it was held: “*The onus of proof rests on the Appellant to demonstrate, through cogent evidence that the Respondent has erred.*”
- 9.3 Arising from these decisions, in order to succeed in their appeal, an Appellant must demonstrate, through cogent evidence, that the Respondent has erred in their valuation of the property under appeal. In that respect, the Appellant was obliged to satisfy the Tribunal, through evidence, that the Respondent’s valuation was incorrect and failed to meet the requirements of correctness of value, together with equity and uniformity of value between properties on the valuation list required under S. 19 (5).
- 9.4 The Appellant advanced their appeal initially on the basis that the property should be valued on the same terms as the Lloyds Pharmacy unit, namely that the Zone A rate should be €350 per sq.m. and that an allowance of 10% should be made for the frontage to depth ratio. Following the receipt of the Respondents submission it was further suggested that the rental levels supporting the Zone A rate should be considered by the Tribunal. It was also argued that the application of a dual frontage loading by the Respondent should be struck down.
- 9.5 A useful starting point in considering the issues is to review “Retail Zoning for the Chartered Surveyor” an Information Paper published by the Society of Chartered Surveyors Ireland (“SCSI”). The first thing to note is that this document has no legal or statutory basis. Its use is not mandatory for Chartered Surveyors. It is defined by the SCSI as an Information Paper and they state that “*Information papers are intended to provide information and explanation to SCSI members on specific topics of relevance to the profession. The function of this paper is not to recommend or advise on professional procedure to be followed by members*”. Its status is listed as “Information and/or explanatory commentary.” In essence, it provides a framework which members of the SCSI can choose to follow when considering the measurement and valuation of retail properties.
- 9.6 The Information paper says the following about discounts for frontage to depth ratios:

It has become apparent that the application of zoning can at times overvalue relatively wide premises and at the same time undervalue narrow deep premises.

In terms of frontage to depth a ratio of 1:3 is felt to be ideal.

For the purpose of discounting the Zone A rate it is suggested that a discount in the region of $\pm 10\%$ be applied to units with a frontage to depth ratio of less than 1:2.

This is a guideline figure only and will vary depending on the actual configuration of the unit. It is being suggested as a guideline figure and not as one to be applied rigidly.

For example where a unit is particularly wide and shallow, a substantially larger discount may be appropriate.

In conjunction with this, it is suggested that particularly deep units with frontage to depth ratios in excess of 1:4 could be loaded by up to $\pm 10\%$.

For the sake of clarity, it should be noted that the above suggests that where a particularly wide and shallow premises is being compared with a particularly deep premises the difference can be $\pm 20\%$.

9.7 It is notable that nowhere in its submission does the Appellant provide the actual frontage to depth ratio, relying instead on percentages. Nor does the Appellant take issue with the Respondents assertion that the ratio is 1:2.8, close to the SCSI ideal figure of 1:3. Accordingly the Tribunal finds that no allowance should be made in respect of the frontage to depth ratio.

9.8 The Information paper says the following about dual/return frontages:

It is suggested that a premises with dual/return frontage should be zoned from the more valuable frontage with a loading if appropriate for the benefit of the return frontage/second frontage.

In some cases the added security and monitoring of a second entrance may outweigh the benefits.

If the premises has frontage to two areas of equal value it is not felt appropriate to have a large L shaped Zone A area or to have two separate Zone A areas.

Where a shop has dual frontage and the longest frontage is to the most valuable street, particular difficulties can arise.

- 9.9 The Appellant was incorrect to state in its response to the Respondents submission that “the SCSI Guidance Note (as contained in the respondent’s precis) does not mention loading in regards to dual frontage.” However, the Tribunal is persuaded by the detailed evidence contained in the Appellants counter submission that the Respondent has not taken dual frontages into account in a number of properties in the town of Westport. Accordingly, and having regard to the principles of equity and uniformity, the Tribunal finds that no loading should be applied in respect of the dual frontage in the subject property.
- 9.10 The Appellant suggested that if the Tribunal was not minded to make an allowance for the frontage to depth ration, it should look at the rental evidence put forward by both parties and consider whether an adjustment should be made to the Zone A rate. The Tribunal is persuaded by the evidence put forward by both parties that appropriate Zone A rate in this location is €350 per sq.m. and finds accordingly.

DETERMINATION:

Accordingly, for the above reasons, the Tribunal allows the appeal and decreases the valuation of the Property as stated in the valuation certificate to **€12,660**, calculated as follows: -

Level	Use	Area (sq.m.)	NAV (sq.m.)	NAV
0	Zone A	27.78	€350	€9,723.00
0	Zone B	16.82	€175	€2,943.50
	Total			€12,666.50
	NAV		say	€12,660.00

RIGHT OF APPEAL:

In accordance with section 39 of the Valuation Act 2001 any party who is dissatisfied with the Tribunal's determination as being erroneous in point of law may declare such dissatisfaction and require the Tribunal to state and sign a case for the opinion of the High Court

This right of appeal may be exercised only if a party makes a declaration of dissatisfaction in writing to the Tribunal so that it is received within 21 days from the date of the Tribunal's Determination and having declared dissatisfaction, by notice in writing addressed to the Chairperson of the Tribunal within 28 days from the date of the said Determination, requires the Tribunal to state and sign a case for the opinion of the High Court thereon within 3 months from the date of receipt of such notice.