

Appeal No: VA23/5/1169

**AN BINSE LUACHÁLA
VALUATION TRIBUNAL**

**NA hACHTANNA LUACHÁLA, 2001 - 2015
VALUATION ACTS, 2001 - 2015**

WILTON GALLERY

APPELLANT

and

COMMISSIONER OF VALUATION

RESPONDENT

In relation to the valuation of

Property No. 521018, Retail (Shops) at Ground floor 55 glasthule road, Sandycove, County Dublin.

**JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 19TH DAY OF JUNE 2025**

BEFORE

Liam Daly -FSCSI, FRICS

Member

1. THE APPEAL

1.1 By Notice of Appeal received on the 19th day of 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 €29,500.

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:

‘The Valuation is Incorrect

I believe the valuation of the subject property is excessive and does not accord with Section 19(5) of the Valuation Act, 2001 as amended by the Valuation (Amendment) Act, 2015 (the Act) as in my

opinion it does not achieve both correctness of value and equity and uniformity of value between comparable properties on the list. More particularly, I do not believe that equity and uniformity of value have been achieved between comparable properties as I believe the subject property has unique considerations which differentiate it from similarly categorised properties in the List including an awkward configuration, and the overall condition of the property In consideration of these specific matters, along with the passing rent of the subject I believe a lower valuation as set out herein is more representative of a reasonable Net Annual Value in accordance with Section 48 of the Act.

Furthermore, the valuation does not achieve correctness of value, more particularly, as the area of the subject is overstated and therefore the valuation should be reduced to reflect a reasonable Net Annual Value in accordance with Section 48 of the Act as per my valuation set out herein'

1.3 The Appellant considers that the valuation of the Property ought to have been determined in the sum of €18,000.

2. RE-VALUATION HISTORY

2.1 On the 23rd day of 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 €33,700.

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 manager did not consider it appropriate to provide for a lower valuation.

2.3 A Final Valuation Certificate issued on the 15th day of September, 2023 stating a valuation of €29,500.

2.4 The date by reference to which the value of the Property, the subject of this appeal, was determined is 1st day of 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, on 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.

4. FACTS

4.1 The parties are agreed as to the following facts.

4.2 The property is a retail premises located at 55 Glasthule Road, Snadycove, Co. Dublin

4.3 The subject property comprises a mid-terraced ground floor retail unit with stores.

4.4 The accommodation has not been agreed between the parties.

4.5 The property is reported to be held on a leasehold basis

5. ISSUES

The issue is one of quantum.

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.”

7. APPELLANT’S CASE

7.1 The Appellant’s precis was prepared by Ms Claire Mason, Avison Young on behalf of the Appellant, Wilton Art Gallery, the Appellant’s precis outlined the grounds of appeal.

7.2 It was the Appellant’s representative’s opinion, Ms Claire Mason, that the subject property was overvalued for the following reasons, firstly due to the floor area and configuration. It was noted however this issue was resolved between the parties. Following a joint inspection with the respondent it was agreed that the middle and rear section of the property should be recategorized as store and valued accordingly.

7.3 It was also Ms Mason’s opinion that the Valuation Office should have applied a discount to the Zone A rate on the basis of frontage to depth ratio. The Appellant’s precis referenced the SCSJ Retail Zoning Guidance Note to substantiate this argument. According to Ms Mason, the guidance suggests a frontage to depth ratio of 1:3 as been the ideal. Where it is less, the guidance proposes applying a discount in the region of -10% be applied to units with a frontage to depth ratio of less than 1:2. Ms. Mason noted that, as per the guidance note this is a guideline figure only and will vary depending on the actual configuration of the unit. For example, where a unit is particularly wide and shallow, a substantially larger discount may be appropriate. In the context of the subject property, it was stated to have a depth ratio of the subject is 1:1.015 which is significantly less than what is considered ideal. It was therefore Ms Mason’s opinion, that a frontage to depth allowance of 15% should be applied to the Zone A rate to reflect the shallow nature of the retail accommodation. If no allowance was applied, it was Ms Mason’s opinion, it would considerably overvalue the property compared with other retail units appearing on the list in Glashule.

7.4 The Appellant’s precis included lease details and stated the landlord had not initiated the 5 yearly rent review in May 2022, so the passing rent is remaining at €20,000p.a. until the next rent review in May 2027. It was therefore, Ms Mason’s opinion, that the NAV was excessive when compared with the passing rent and the valuation should be adjusted in line with the rent.

7.5 The Appellant precis included four comparisons (Appendix 1, N/A to public) which in their opinion demonstrate that the tone of the list for stores in Glasthule was €70psm.

7.6 It was therefore by applying all the above, it was Ms Mason’s opinion that an appropriate NAV for the subject is €19,550 which is also further supported by the passing rent. This was illustrated by inclusion of the following table:

Floor	Description	Area	NAV psm	NAV	Rounded
0	Shop	30.61	€ 700.00	€ 21,427.00	
0	Stores	19.14	€ 70.00	€ 1,339.80	
	15% Allowance			-€3,214.05	
				€ 19,552.75	€ 19,550.00

8. RESPONDENT’S CASE

8.1 The Respondent’s precis was prepared by Ms Claire Callan on behalf of the Commissioner of Valuations. The Respondent’s precis provided the address of the subject property as 56 Glasthule Road, Glasthule, Co. Dublin.

8.2 The Respondent's precis described the property as a mid-terraced retail unit of brick façade, sash windows and has a painted black frontage. The subject property was in operation as an art gallery and is currently closed due to fire damage from the overhead unit. The unit is painted and plastered and has recessed lighting. Retail to the front, storage to the rear with small wc. Frontage 5.9m depth 5.4m. Solid wall separates retail and storage.

8.3 The Respondent's precis outlined that the subject property is held leasehold. The subject was assigned to the lessor in February 2019. The lease runs for 20 years, and the commencement date was 17th May 2012 and it is due to expire in 2032. The current rent is €20,000. A rent review was due in May 2022. It is understood that it was agreed that the rent would remain at €20,000 until the next review in May 2027.

8.4 The Respondent's precis outlined the Appellant's grounds for appeal, and these were addressed as follows:

- Floor area & configuration prior to our (Respondent) involvement in the case the final cert issued on the basis that the entire floor area was considered retail and it was zoned accordingly. As demonstrated in the floor plans and photographs above and in accordance with the SCSi measuring practice guidance notes only the front section with direct frontage onto Glathule Road should be valued and categorised as retail space.
- There is a solid structural wall between the retail portion of the property and the middle store, so this area isn't capable of being occupied as retail space. In addition, there is two steps down to the smaller lower rear store, which also has reduced ceiling height and no natural light or ventilation.
- Following a joint inspection with the respondent it was agreed that the middle and rear section of the property should be recategorized as store and valued accordingly.
- Under the SCSi Retail Zoning Guidance Note a frontage to depth ratio of 1:3 is felt to be ideal. For the purposes of discounting the Zone A rate it is suggested that a discount in the region of -10% be applied to units with a frontage to depth ratio of less than 1:2. As

per the guidance note this is a guideline figure only and will vary depending on the actual configuration of the unit. For example, where a unit is particularly wide and shallow, a substantially larger discount may be appropriate. The frontage to depth ratio of the subject is 1:1.015 which is significantly less than was it considered the ideal and, in my opinion, I believe a frontage to depth allowance of 15% should be applied to the Zone A rate to reflect the shallow nature of the retail accommodation.

- If no allowance is applied, I (Respondent) believe it will considerably overvalue the property compared with other retail units appearing on the list in Glashule. extract of the Passing Rent The landlord never initiated the 5 yearly rent review in May 2022, so the passing rent will remain at €20,000p.a. until the next rent review in May 2027.
- The Net Annual Value is excessive when compared with the passing rent and the valuation should be adjusted in line with the rent. Comparisons to support Store NAV As previously outlined due to the structural walls the middle and rear section of the property are used as stores. I believe these spaces should be categorised and valued in line with the following comparisons which demonstrate that the tone of the list for stores in Glashule is €70psm.
- Having regard to the above, I (Respondent) believe that the valuation should be amended to reflect the revised floor areas, the middle and rear section of the property should be categorised as stores and valued accordingly. In this circumstance I (Respondent) am also of the opinion that the shallow frontage to depth of the retail unit merits the application of a frontage to depth allowance of 15%.

8.5 The Respondent's precis provided details of the comparable evidence relied upon by the Appellant (Appendix 2, N/A to public).

8.6 The Respondent's precis outlined their responds to the ground of appeal as follows:

- The area of the subject has post inspection with the agent been amended accordingly and only the front section to the solid wall as before mentioned has been valued as retail use.
- The rear section has been valued as stores and a rate of €70.00 has been applied to same as per the comparables quoted by Ms Mason.

- The guidance note that Ms Mason has supplied is as such – and is **available to use as guidance only**. As per Section 19(5) of the Valuation Act 2001, as amended, the subject property must be valued fairly and equitably insofar as is reasonably practicable with comparable properties on the relevant valuation list. The appellant has failed to provide any comparable evidence where a frontage to depth allowance has been applied.
- The Chief Operations Officer did not find it appropriate to apply a frontage to depth allowance to the subject owing to the fact that a significant number of units are of a similar area and frontage ratio.

8.7 In terms of comparable evidences submitted by the Appellant, the Respondent stated they were not disputing the comparables cited by the Appellant. The Respondent was not in disagreement with Zone A or the storage level to be applied to the subject. The subject is valued in line with all retail units on the Main Street in Glasthule. The only issue for consideration is that of whether a frontage to depth allowance is merited on the subject property. There are 36 properties valued at a rate of €700 Zone A, the subject is the only property under appeal to the Valuation Tribunal.

8.8 The Respondent’s precis provide details on three NAV comparables (Appendix 3, N/A to public). As was noted earlier; the Appellant is not disputing the level of Zone A of €700. The only matter been contested for an allowance to be applied to reflect the frontage to depth ratio on the Wilton Gallery.

8.9 On conclusion of all of the above, it was Ms Callan’s opinion that the correct NAV for this property is €22,800 The valuation is arrived at on the following basis:

Level	Use	Area	RPSM	NAV
0	Retail Zone A	30.62	€700.00	€21,434
0	Stores	19.14	€70.00	€1,339.80
	Total			€22,833
	Say			€22,800

9. SUBMISSIONS

9.1 There were no legal submissions.

10. FINDINGS AND CONCLUSIONS

10.1 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 Dun Laoghaire Rathdown County Council.

10.2 The Tribunal finds as there is no dispute between the parties in respect of the Zone A rental level, the only matter for consideration is a frontage to depth allowance merited. The Tribunal acknowledges the Respondent's argument that the frontage to depth allowance is based on guidance only. In this instance, it would appear, the Commissioners justification for not following such guidance is based on the argument that such an allowance has not been applied to significant number of other units in the district which have similar area and frontage ratios. The Tribunal acknowledges the guidance is not binding; however the purpose of such guidance is to provide assistance to Valuers in dealing with certain anomalies. The Tribunal is therefore of the opinion, that a frontage to depth allowance is merited. The Tribunal, however, believes a discount of 10% is more in line with the guidance rather than the more arbitrary figure of 15%

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 €20,624.00.

Floor	Description	Area	NAV psm	NAV	Rounded
0	Shop	30.61	€ 700.00	€ 21,427.00	
0	Stores	19.14	€ 70.00	€ 1,339.80	
	10% Allowance			-€2,142.70	
				€ 20,624.10	€20,624.00

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.