

**Appeal No: VA19/5/0199**

**AN BINSE LUACHÁLA  
VALUATION TRIBUNAL**

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

**MICHAEL BARRABLE MOTORS LTD**

**APPELLANT**

**and**

**COMMISSIONER OF VALUATION**

**RESPONDENT**

**In relation to the valuation of**

Property No. 2197766, Retail (Warehouse) at Unit 8/1 Airside Motor Park, Dublin, County Dublin ('the Property')

**B E F O R E**

**Barry Smyth - FSCSI FRICS**

**Deputy Chairperson**

**(Virtual hearings on the 23<sup>rd</sup> day of February 2022 and the 31<sup>st</sup> day of March 2022)**

**Michael Brennan - BL, MRICS**

**Deputy Chairperson**

**(In-person hearing on the 23<sup>rd</sup> day of May 2024)**

**Brian Meldon - FSCSI, FRICS, Reg Val, Arb**

**Member**

**Killian O'Higgins - FSCSI, FRICS**

**Member**

**JUDGMENT OF THE VALUATION TRIBUNAL  
ISSUED ON THE 23<sup>rd</sup> DAY OF JULY, 2025**

**1. THE APPEAL**

1.1 By Notice of Appeal received on the 3<sup>rd</sup> day of October, 2019 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 €243,000.

1.2 The grounds 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 subject property's location in Airside Motor Park is not frontline and should not be treated as such. There is a distinct difference in the park between the values of the units with road frontage and those without. The subject property is buried deep in the park.*

*(b). The showroom level applied by the Commissioner appears to be based on the levels applied to retail warehousing in the main airside park. The reality is that this is a totally different market, which is unsuitable as like-for-like comparison.*

*(c) By the valuation date, October 2017, the car market had peaked and was again in secondary phase decline, brought on by an increase in UK imports, owing to a significant decline in sterling following the Brexit referendum. Part of the increase from 2014-2016 was predictable in that it was within the 8–10-year timeframe to replace a car bought at the height of the boom (2005-2008).*

*With that market now satisfied and sterling holding a preferential rate for imports, dealers are generally conservative in their outlook.*

*(d) The yard is predominantly to the side and rear, there is only very limited parking at the front of the property. The yard should be valued at a maximum of 15% of the workshop level.*

1.3 The Appellant considers that the valuation of the Property ought to have been determined in the sum of €161,900. At the appeal the Mr. Halpin, for the Appellant, amended his valuation to €211,600.

## **2. REVALUATION HISTORY**

2.1 On the 15<sup>th</sup> day of March, 2019 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 €243,000.

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 10<sup>th</sup> day of September, 2019 stating a valuation of €243,000.

2.4 The date by reference to which the value of the property, the subject of this appeal, was determined is the 15<sup>th</sup> day of September, 2017.

## **3. THE HEARING**

3.1 The Appeal proceeded by way of a virtual hearing on the Zoom platform on the 23<sup>rd</sup> day of February 2022 which was adjourned and resumed virtually on the 31<sup>st</sup> day of March 2022, and further adjourned. The oral hearing resumed on the 23<sup>rd</sup> day of May 2024 at the offices of the Valuation Tribunal at Holbrook House, Holles Street, Dublin 2, although Mr. Halpin attended virtually on the Zoom platform, by agreement.

At the hearings the Appellant was represented by Mr. Eamonn S. Halpin B.Sc.(Surveying) M.R.I.C.S. M.S.C.S.I. The Respondent was represented by Ms Clair Power of the (then) Valuation Office at the hearings on the 23<sup>rd</sup> day of February 2022 and the 23<sup>rd</sup> day of May 2024. Ms. Power did not attend the virtual hearing on 31<sup>st</sup> March and the Respondent was represented by Ms. Carol Spain, Director of Appeals at the (then) Valuation Office. At the hearing on the 23<sup>rd</sup> day of May 2024, the Respondent was also represented by Mr. David Dodd BL and Mr. Adam Wickham of the Chief State Solicitor’s Office.

3.2 In accordance with the Rules of the Tribunal, at the hearing on the 23<sup>rd</sup> day of February 2022, the parties had exchanged their respective reports and précis of evidence prior to the

commencement of the hearing and submitted them to the Tribunal. At the virtual hearing on the 23<sup>rd</sup> day of February 2022, each witness, having taken the oath, adopted their précis as evidence-in-chief in addition to giving oral evidence. At the hearing on the 23<sup>rd</sup> day of May 2024, Ms. Power amended her précis and adopted her amended précis.

#### 4. FACTS

4.1 From the evidence adduced by the parties, the Tribunal finds the following facts.

4.2 The property is located at the rear of the Airside Motor Park, which is adjacent to Airside Retail Park, off the R125 regional road, approx. 1.6km west of the M1 motorway between the town of Swords and Dublin Airport. Airside Motor Park has 11 motor showrooms.

4.3 The property comprises a motor sales showroom together with display yard to front and side and service/repair workshop to rear with yard. Although two storeys, this appeal is in respect of ground floor and mezzanine space to the exclusion of offices at first floor which are separately valued and not part of this appeal.

4.4 The floor areas agreed between the parties are:

<b>Floor</b>	<b>Use</b>	<b>Area (Sq. M)</b>
0	Showroom	910.00
0	Workshop	650.49
0	Store	77.88
Mezz	Store	68.38
0	Front Display Yard	153.00
0	Side Display Yard	889.40
	Rear Storage Yard	885.00

#### 5. ISSUES

5.1 By the time of the third hearing the only matter of difference between the parties was the value per square metre of the showroom area of the Property. The parties had agreed that the front and side yard areas should be valued per square metre at a level of 15% of the showroom rate per square metre. All other values per square metre were agreed. All floor areas were agreed between the parties.

5.2 Ms. Power for the Respondent described five properties as ‘road profile’ properties’ with showroom values at €170 per square metre. Mr. Halpin for the Appellant described these properties as ‘frontline’ properties. Ms. Power described the remaining 6 units as ‘internal profile properties’ with showrooms valued at €160 per square metre whereas Mr. Halpin described these units as ‘second line properties.’ Mr. Halpin contended that the showroom at the Property should be valued at a lower rent per square metre than the showroom values per square metre of ‘internal profile properties’ or ‘second-line properties’.

5.3 The agreed floor areas and contended rates per square metre are outlined in the table below

Floor	Use	Area (Sq. M)	Respondent		Appellant	
			Rate per square metre	NAV	Rate per square metre	NAV
0	Showroom	910.00	€160.00	€145,600.00	€144.00	€131,040.00
0	Workshop	650.49	€ 70.00	€ 45,534.30	€ 70.00	€ 45,534.30
0	Store	77.88	€ 70.00	€ 5,451.60	€ 70.00	€ 5,451.60
Mezz	Store	68.38	€ 14.00	€ 957.32	€ 14.00	€ 957.32
0	Front Display Yard	153.00	€ 24.00*	€ 3,672.00	€21.60	€ 22,516.00
0	Side Display Yard	889.40	€24.00*	€ 21,345.60		
	Rear Storage Yard	885.00	€ 7.00**	€ 6,195.00	€ 7.00**	€ 6,195.00
				€228,750.00		€211,694.00

Say

€211,600.00

\* 15% of Showroom rate per square metre

\*\*10% of Workshop rate per square metre

## 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 Mr. Halpin requested that the ‘Storage Yard’ Page 12 and ‘Yard 885m2’ on Page 22 of his précis should be amended to ‘Not Agreed’ from the stated ‘Agreed’

7.2 Mr. Halpin stated there was a good deal agreement between the parties and the issues between the parties were the appropriate level for the showroom which would dictate the level to be applied to the Display Yard for car sales as it was agreed that this should be 15% of the level applied to the showroom. The only other area of difference was the level to be applied to the rear yard area which provides mainly access to the workshop. (At the hearing on the 23<sup>rd</sup> day of May 2024 the Respondent accepted Mr. Halpin’s valuation of the ‘Rear Storage Yard of 885 Sq. M at €7per

square metre and therefore the only matter at issue was the valuation of the showroom, as the valuation of the display yard would be reflected at 15% of the showroom valuation per square metre)

7.3 Mr Halpin stated that the subject property was in the industrial section of the development rather than the motor park proper. This was because the Appellant could not afford a 'frontline' or road profile site. In addition, Mr. Halpin stated that the building was not built to the same specification as other showrooms because the Appellant did not have the money to build to a higher specification. Mr Halpin stated that the matter had been teased out in a previous Valuation Tribunal decision VA 09/3/018, a copy of which was included at Appendix IV of his précis.

7.4 Mr. Halpin said that the isolated and second level nature of the subject property was reflected by the fact that its nearest neighbour was an office building occupied by Royal National Lifeboat Institution (RNLI) and across the road there were industrial units.

7.5 Mr. Halpin acknowledged that the property was a car showroom complex with associated workshop and yards, built in 2006, but to a lesser standard than that of frontline units.

7.6 Mr Halpin referenced photographs on page 8 of his précis to illustrate his assertion that the display yard is both front and side, but the display area to the front of the Property is limited because of the proximity to the roadway. In comparison to the front display area available in frontline units parking in front of the Property is limited although he acknowledged that there was display area to side of the Property in front of the rear yard.

7.7 On page 10 of his précis Mr. Halpin referenced a map illustrating frontline or road profile occupants - Peugeot, Nissan, Ford, Land Rover/Jaguar, and Renault/ Dacia all with frontage to either Airside Retail Park or the R125 (road) inside in the park. Mr. Halpin saw units occupied by VW, Seat/Citroen, and Volvo/Kia as the second line behind the frontline units. The Property was effectively third line because it was behind the RNLI office building and opposite industrial units.

7.8 Mr Halpin posited that the appeal was effectively anchored on one main contention - the Property is in an inferior location relative to other Car Showrooms at Airside Motor Park and therefore the issue was the relativity of the Property compared to other properties at Airside Motor Park. Mr Halpin stated that the Valuation Tribunal on the 2005 basis (VA10/5/019) had previously decided that the property was third line having awarded a showroom rate of €220 per square metre when other showrooms in the park were valued at €250 per square metre and €260 per square metre. On the 2017 basis (current appeal) there were only two levels of valuation for showrooms - €160 per square metre and €170 per square metre.

7.9 Mr. Halpin provided details of the valuation history which he said indicated that, historically, the Property had been valued lower than all other properties in Airside Motor Park. Mr. Halpin stated that the discounting ranged from 5.00% to 21.50% over various competing showrooms, with a concentration of discounted values in the range of 12.00% to 15.50% which would indicate a value of €144 per square metre to €150 per square metre for the showroom at the Property. Mr. Halpin said that the Appellant was seeking recognition that the historic position of discounted rental value per square metre for the showroom compared to front line and second line units should be maintained.

7.10 Mr Halpin introduced nine comparisons in support of his discount contention with a focus on Showroom rents per square metre.

Comparison Number	Showroom Area Sq. M	NAV per square metre	Comments
1. Seat-Citroen (PN 21769430)	638.00	€160	Second line Centre of Park. Limited profile to retail park link road. Subject: 10% allowance against this property
2. Volvo-Kia (PN 21769450)	638.00	€160	Second line Centre of Park. Limited profile to retail park link road. Subject: 10% allowance against this property
3. Volkswagen (VW) (PN 2176744)	398.26	€160	Second line. Centre of Park. Limited profile to retail park link road and R125 Subject: 10% allowance against this property
4. Ford (PN 2176946)	592.35	€170	Frontline Full profile at entrance and to retail park link road Subject: 15% allowance against this property
5. Jaguar-Land Rover (PN 2176949)	822.12	€170	Frontline Corner of R125 with full profile also to retail park link road. Subject: 15% allowance against this property
6. Dacia-Renault (PN 2193282)	507.87	€170	Frontline Located along the R125 with full profile. Subject: 15% allowance against this property
7. Nissan (PN 2176947)	427.35	€170	Frontline Full profile at entrance and to retail park link road Subject: 15% allowance against this property
8. Peugeot (PN2176948)	305.48	€170	Frontline Located on retail park link road with full profile. Subject: 15% allowance against this property

9. Linders, Turvey Business Park (PN 2187109)	475.55	€120	Context: at €144per square metre the Property's showroom would be valued at 20% higher than standalone motor showrooms in Fingal
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7.11 Under cross examination by Ms. Power, Mr. Halpin agreed that Airside Motor Park was a high-profile location for car sales. Mr. Halpin did not agree that Ms. Power's comparison N3 (PN 21769450), the Kia showroom, was directly comparable to the Property. Mr. Halpin stated that the showroom rental value at €160per square metre for the Kia unit illustrated that the (then) Commissioner of Valuation was not making an adequate allowance for the inferior location of the Property.

7.12 Mr Halpin disagreed that Ms. Power's comparison N4 (PN 361348) Des Darcy Motors at North Street, Swords (showroom valued at €150per square metre) was a better location. Mr. Halpin accepted it was a good location but a different location to a motor park. Mr Halpin stated that he was making a minor adjustment compared to the €150per square metre showroom rate for the Swords property as he believed the Property was inferior to the Swords property as it was in an inferior location at the rear of Airside Motor Park, in the industrial section.

7.13 Mr Halpin agreed the Airside Motor Park was the premier motor sales location in Fingal – but the Property was not as well located as frontline and second line properties in the motor park. Ms Power agreed that the Property is in rear of the motor park but stated that only the RNLI office building separated the Property from showrooms that were valued at €160 per square metre. Mr. Halpin responded that it was not just the RNLI office but also the fact that the Property was located opposite the industrial section and was ‘around the corner’ isolated from other showrooms. Mr. Halpin commented that his client could not afford a front-line site when he acquired the original site – front line sites were sold at twice the price his client paid for the site and then the Appellant had to economise on construction as the completed building is an inferior building and showroom compared to the others at Airside Motor Park.

7.14 Ms. Power referred to the map on page 10 of Mr. Halpin's Precis. Ms. Power pointed to the location of the Property and the RNLI and stated that access to the Seat-Citroen showroom was on the same road as the property, just north of the RNLI building. Mr. Halpin responded that this was a workshop entrance but the Seat-Citroen showroom entrance was at the end of the main entrance road between the Nissan and Ford units. Ms Power stated that the Renault-Dacia unit's access was from the same road serving the Property. Mr. Halpin stated that the ‘motor park proper’ stops at the confluence of the Seat-Citroen and Renault-Dacia units and that the property was less favourably located than all the other motor showrooms. Ms Power responded that there were some retail outlets along the road adjacent to the Property.

7.15 Ms Power asked Mr. Halpin if the Volvo-Kia unit, at the rear of the motor park, had profile. Mr. Halpin stated that it had profile and signage was prominent and visible from the entrance to the motor park. Mr. Halpin accepted that the Volvo-Kia showroom was valued at €160per square metre. Mr. Halpin said that the Valuation Tribunal considered the Property previously and found the Property to be an inferior premises relative to other units at the motor park.

7.16 Ms Power asked Mr. Halpin if high profile properties have access from the main roads and Mr. Halpin responded that access to all units was from within the motor park. Mr. Halpin said that the attraction from an occupiers perspective is both access and visibility illustrated by the fact that the Appellant acquired the site for 50% of the price paid for front line sites. Ms. Power queried if the purchase price was referenced in Mr. Halpin's evidence and Mr. Halpin responded that it was provided in previous appeals and referenced in the Valuation Tribunal's judgement at Appendix IV of his précis.

7.17 Ms. Power referenced the display yard and yard to rear querying why Mr. Halpin was valuing rear yard at lower rate. Mr. Halpin stated that it was the (then) Commissioner of Valuation's standard practice was to value rear yards at a lower rate compared to display yards. The valuation of the Volvo-Kia illustrated the point – the rear yard is valued at 66% of the display yard. Most of the showroom units have only display yards and the rear yard at the Property is mainly for use in conjunction with the workshop as opposed to car sales.

7.18 Ms. Power emphasised that the new valuation was the result of a Fingal Revaluation – tone of list, equity and uniformity were important. Mr. Halpin had only provided one comparable outside Airside Motor Park at Turvey Business Centre. Mr. Halpin stated that the Turvey comparable was not an isolated business park – there were 40/50 properties on both sides of road. Mr. Halpin accepted that the Property was better than Turvey and he had valued the showroom accordingly at €144 per square metre. Mr. Halpin had no issue with the tone of the list, equity and uniformity but the Property was not frontline or second line, it was another step down and equity demanded that this is reflected in the valuation. Mr. Halpin accepted Ms. Power's contention that the (then) Valuation Office had to look at the broader tone of the Fingal list but said that the Property had to be treated fairly.

7.19 Ms. Power asked Mr. Halpin if he had found any evidence of lettings at or near motor parks in Fingal or Airside Motor Park specifically. Mr Halpin stated that there was no evidence of recent motor park lettings in Fingal. Ms. Power said that there was evidence of recent lettings of retail outlets at €160 per square metre at Airside Retail Park, specifically referencing Key Rental Transactions R1 (Smyth's Toys – units A1 and A2) and R2 Michael Murphy (Unit 10). Mr Halpin responded that the Valuation Tribunal considered the matter in a Kilkenny case and in a judgement stated that it not appropriate to look at Retail Outlets as appropriate comparisons. Such units have large yards/parking areas which are not valued and cannot compare to motor showrooms where the yards and parking areas are fully rentalised.

7.20 The Valuation Tribunal addressed questions to Mr. Halpin.

Mr. Halpin accepted the tone of the list for Airside but he was looking for a discount to reflect that the property was of inferior construction and location relative to the other showrooms. The level of the showroom will dictate the value of the display yard and therefore the only other argument was in respect of the rear yard which was not a display yard. Mr. Halpin confirmed the Appellant also sold second-hand cars, particularly when the market for new cars stalled. Mr. Halpin confirmed that floor areas were agreed between the parties. In reference to the map Page 10 of Mr. Halpin's précis, Mr Halpin stated that the second line properties VW, Seat-Citroen and Volvo-Kia were all visible from the entrance to Airside Motor Park. Mr. Halpin estimated that the distance from the corner adjacent to VW to the Property was approximately 200m which was similar to the

distance to the Seat-Citroen and Volvo-Kia units from the entrance to Airside Motor Park. Whilst the distance was the same the Property was not fully visible from the entrance or from the corner adjacent to VW.

7.21 Mr. Halpin referenced a photo on page 10 of his précis taken from the entrance and clearly identifying Ford and Nissan on the frontline and Seat-Citroen and Volvo-Kia in the second line. The appellant's property is not visible at all. Mr. Halpin stated that his approach to valuing the rear yard was to apply 10% of the agreed value of the workshop (€70per square metre) arriving at a rate of €7per square metre. Mr. Halpin said that the (then) Commissioner of Valuation's schematic was to apply 15% of the value attributed to the showroom for the display yard and 10% of the value of attributed to the workshops to rear yards. Mr. Halpin contended that the rear yard surface was hardcore as opposed to tarmac and essentially it supported the servicing of cars as opposed to the sales of cars.

7.22 Mr. Halpin stated that main change to Airside Motor Park since his last representations was the presence of a large unbranded car sales lot for the sale of second-hand cars. The same showrooms units are in place although ownership of some changed through the recession. Mr. Halpin said that the construction of the property was evidentially inferior to the frontline and second line units - the structure is a modified industrial style unit with large windows to front, developed in this fashion to reflect restricted financial resources at the time of construction. Mr. Halpin contended that both in relation to the construction and location on the motor park the Property was inferior to the other motor showrooms at Airside Motor Park. Mr. Halpin stated the locational disadvantage was obvious as the Property could not be seen from the access road – only industrial units were visible.

7.23 Mr. Halpin referenced the photograph on page 10 of his précis to demonstrate the visibility and access to the Volvo-Kia and Seat-Citroen showrooms.

## **8. RESPONDENT'S CASE**

8.1 Ms. Power set out the background to the revaluation explaining that every relevant property in Fingal was updated by reference to a single valuation date. The Net Annual Value of each relevant property was estimated in accordance with S.48 of the Valuation Act 2001 (the "Act") as amended by the Valuation (Amendment) Act 2015 and as required by S.19.5 of the Act which requires the valuation to "*...achieve both (insofar as is reasonably practicable) (a) correctness of value and (b) equity and uniformity of properties on the valuation list.*"

8.2 Ms. Power stated that the (then) Valuation Office had looked at Airside and created scheme for high profile front properties and a lower level for the inner road. Ms. Power maintained that introducing another level, as contended for by Mr. Halpin, would lack transparency. Previously properties had not been looked at together and for 2019 Revaluation a uniform approach was adopted. Ms. Power stated that market information was sought but directly comparable letting data is not always available.

8.3 Ms. Power said that up to twelve properties were in Airside. The front-line properties were Peugeot, Nissan, Ford, Land Rover-Jaguar and Renault-Dacia. Second line properties did not have frontage to the main circulation roads in the wider Airside development and these were Volvo-Kia, VW, and Seat-Citroen. Seat-Citroen and Volvo-Kia were in a cul-de-sac with limited visibility. Between Volvo-Kia and Nissan was a yard of 1,800 Sq. M selling mainly second-hand cars. The main accommodation on this site was a portacabin.

8.4 Ms. Power maintained that the Property was part of the ‘internal profile’ group of properties. Access to the property was around the bend in the road beside the VW showroom and this road providing access to the Property also provided access to Land Rover-Jaguar, Seat-Citroen, and Renault- Dacia each of which had entrances from the same road - only the RNLI office was in the way. Ms. Power said that –Airside Motor Centre and Airside Service Centre (yard in excess of 3,000 Sq., M) were to the south of the property proving that the Property was not isolated, and opposite the Property, to the east, was the Airside Enterprise Centre. Photographic evidence was provided at page 13 of Ms. Power’s précis and she stated that this illustrated that the property was not a “dead end”.

8.5 Ms. Power rejected any contention that the Property was a modified industrial unit stating that it is a purpose-built showroom designed by the occupier. The Property had display yards in excess of 1,000 Sq. M. although Ms. Power accepted that the separate rear yard surface was gravel.

8.6 Ms. Power emphasised that the Property had to be considered in the context of the tone of the list in Fingal, not just Airside Motor Park. There were only two levels of value in Airside Motor Park and creating another level would be inequitable and produce an uneven tone. Ms. Power stated that quantum had not been taken into account in assessing NAV’s.

8.7 Ms. Power agreed with Mr. Halpin that there was no evidence of market lettings at Airside Motor Park and little evidence in Fingal of the leasing of motor sales showrooms which are almost always owner occupied. The nearest comparable letting and rental information is for retail outlet units at Airside Retail Park which is where Key Rental Transactions (KRT’s) were sourced.

8.8 Ms. Power introduced her NAV comparisons:

Comparison Number	Showroom Area Sq. M	NAV per square metre	Comments
N1 Airside Motor Centre, Airside Motor Park PN 5011594	78.42	€160	Adjoins the subject property. Small showroom but very large yard 3,000 Sq. M + Brings huge quantity of customers past the Property. Mr. Halpin ignored this property in his evidence.
N2 O’Connell Automotive, Block C, Airside Motor Park PN 5022193	285.96	€144	Small prefabricated showroom with large yard between Volvo-Kia at rear and Nissan to front. Better profile than Volvo-Kia.

			Valuation Office mistake in applying €144per square metre. Should have put in €160per square metre on showroom with 10% end allowance.
N3 KIA, Unit B, Airside Motor Park PN 2176945	638.00	€160	Does not have a great profile and valued at €160. No road profile.
N4 Des Darcy Motors, North St. Swords PN 361348	165.08	€150 (amended from €160 in précis)	Outside of Airside in Swords – Unusual. Former domestic property with extension at rear – valued at €150per square metre. Does not have high profile - similar for older or less favourably located properties. €170 per square metre for very high profile and €160 per square metre for inner profile. Older or secondary locations in Fingal are at €150 per square metre.
N5 Denis Mahony Ltd, Howth Junction Business Park PN 291677	535.98	€150	Not high profile and valued at €150per square metre in mixed residential and industrial area
N6 Subject Property PN 5002888	704.79 (Mezzanine)	€48	Occupier asked for subdivision – market evidence was comp 7 first floor showroom. Market evidence a Comp 7 applied to Comp 6
N7 Vacant in 2017 now Flyfit Gym PN 2184426	31.24 (Ground) 973.28 (First)	€150 €150	Terraced unit, formerly motor showroom, now a gym. First floor serviced by a lift. On appeal to the Valuation Tribunal

8.9 In summarising, Ms Power stated that it is a fact that the property did not have a main road profile is not an issue as the evidence put forward does not support any differentiation in value. Airside Motor Park is a very high-profile location and the NAV assessed by the (then) Valuation Office accords with both the tone of the list at Airside Motor Park and tone of list for motor showrooms in Fingal. The property is only 150m from the Renault-Dacia showroom where the showroom is valued at €170per square metre. The object of the revaluation was to maintain equity and transparency. Dividing one location into additional levels would cause confusion and inequity and does not support objective of the Act . Ms. Power said that Part V of the act obliges the Tribunal to look at locations in Airside that don't have profile such as Volvo-KIA, her comparison N3 and in her view the Property has a superior profile compared to the Volvo-KIA where the

showroom is valued at €160per square metre– other showrooms on the same road are also valued at €160per square metre. Ms. Power stated that only one non-showroom property (RNLI offices) was situated between those showrooms valued at €160per square metre and the Property. Mr. Halpin’s approach seeking a third level in the motor park goes against the revaluation principles and would result in complete confusion when trying to value in fair and equitable way.

8.10 In cross examination Mr. Halpin referenced Ms. Power’s quotations of Section 19 (5) of the Act and pointed out under this section individual correctness preceded equity and uniformity. Mr. Halpin asked Ms. Power if she accepted that the correctness of the individual valuation had to come before equity and uniformity. Ms. Power responded that the value of each property is relative to others. Mr. Halpin stated that Ms. Power was concerned only with equity and uniformity whereas his concern was correctness before uniformity and equity is considered.

8.11 Mr. Halpin asked Ms. Power if she was prepared to look at individual characteristics. Ms Power replied that the Valuation Office cannot look at everything. There were limitations on what can be considered in a revaluation as opposed to a revision and the first tribunal decision referenced by Mr. Halpin was under a revision not revaluation. In a revaluation there were limited characteristics addressed - is the property rural or old, urban, or new? – the characteristics considered in a revaluation were less than those considered at a revision. Mr. Halpin said that the courts have found fault with the (then) Valuation Office) for not valuing a property in its actual state and Ms. Power had admitted that this was the case in this instance – no inspection had taken place. Ms. Power replied that it was impossible for the (then) Valuation office to inspect every property on the list on the date of valuation.

8.12 Referencing the photographs on Pages 13, 16, and 17 of Ms. Power’s Précis, Mr. Halpin asked Ms. Power what the occupier would see if he looked out the front window. Ms. Power stated that Page 16 was clear that the Property was directly opposite a Suzuki motorbike sales outlet. Ms. Power maintained that this was not an industrial park converted to that use as claimed by Mr. Halpin and stated that the (then) Valuation Office would describe the property as “an industrial showroom.”

8.13 Mr Halpin asked if it was true that the (then) Commissioner of Valuation had no rental value evidence for motor showrooms. Ms. Power said that Mr. Halpin had no evidence either to which Mr. Halpin agreed. Ms. Power stated that this is why the (then) Valuation Office used retail warehouses for key rental evidence, applying same to motor sales showrooms at Airside Motor Park. Mr. Halpin stated that he did not agree with this approach. He said that that there was virtually no motor retail or showroom rental evidence available to develop a motor sales showroom scheme. Mr. Halpin expressed the view that the scheme developed by the (then) Valuation Office was not evidentially based on motor premises – either then (2017) or now. Ms Power agreed that there was no direct rental evidence available for motor sales showrooms in Fingal.

8.14 Mr Halpin stated that before the Revaluation there were three levels of value at Airside Motor Park with the Property valued lowest at €220per square metre and others at €250per square metre and €260per square metre. In the admitted absence of comparable rental values for motor showrooms, Mr. Halpin asked Ms. Power why the (then Commissioner of Valuation had departed from a previously agreed scheme. Mr. Halpin added that the previous revision created a buffer between the Property and other levels in the motor park and should be maintained. Ms Power said

that the third level arose because of a Valuation Tribunal decision. Ms. Power said that whilst she respected the Valuation Tribunal decision, she disagreed with the decision which covered only one property at Airside Motor Park.

8.15 Mr Halpin referred to Ms. Power's NAV 1. Ms. Power accepted that the showroom area was small and that the (then) Commissioner of Valuation had applied a split yard value to the yard - a hardcore area of €7per square metre based on a level of 10% of the stores area and €24 on the display yard which was 15% of the €160per square metre applied on the showroom. Ms Power conceded that if was a hardcore yard solely associated with a workshop repairing or servicing cars, the hardcore yard area would be 10% of the rate per square metre set for the workshop. Ms. Power agreed that the valuation scheme adopted in Fingal for yards at motor sales outlets was to take 15% of the showroom value for display yards and 10% of the workshop or stores value for non-display yards. Ms Power was adamant that the side yard at the Property was a display yard and should be treated accordingly, and Mr. Halpin agreed saying his only issue with the yards was the rate per square metre applied to the yard at rear which had a hardcore surface and was directly associated with the workshop.

8.16 Mr Halpin pointed to the fact that Ms. Power's NAV 1 had ground floor offices valued at €70 per square metre which was unusual as the offices at ground level were usually valued at the same level as the showroom (€160per square metre). Ms Power stated that she did not know why the offices were valued less than the showroom. Ms. Power agreed that if the office and showroom were combined the average price per square metre would be much less than €160per square metre. Mr. Halpin pointed out that the ground floor offices at the Property were included in the calculation of the area described as 'showroom' and valued at €160per square metre.

8.17 In cross examination by Mr. Halpin of Ms Powers, NAV 2, NAV 3, NAV 4, and NAV 5 it became clear that Ms. Power's précis contained many errors and did not reflect information on the public register. Separately the Tribunal also identified other errors. The Tribunal pointed out to Ms. Power that she had signed and sworn a declaration of truth and it was clear that the evidence adduced, at least in respect of contended comparable NAV's, was inaccurate.

8.18 Ms. Power acknowledged that the detail provided in relation to the NAV evidence in her précis was inaccurate and fully accepted her obligation to provide accurate evidence. A family bereavement in the context the pressure to prepare précis was a factor. Ms. Power also stated that a new system was helping input data for précis given the volume of appeals. Ms. Power observed that it appeared that the system was not populating the data accurately in respect of yards. Ms. Power accepted her precis was inaccurate and that she was sorry and embarrassed that the inaccuracies arose. Ms. Power said she would revise and re-submit an accurate précis to the Appellant and the Tribunal on the following day. Mr. Halpin interjected to say that he was not in any way trying to embarrass Ms. Power and was sympathetic to the position in which she found herself.

8.19 The Chairperson, Mr. Smyth, ordered a brief adjournment by asking that Ms. Power and Mr. Halpin be placed in the virtual waiting room.

8.20 On resumption, Mr, Smyth stated that whilst the Tribunal accepted that Ms. Power did not set out to wilfully mislead the Tribunal or the Appellant, it was important that evidence to the

Valuation Tribunal was factually correct and checked for accuracy. In addition, a declaration was sworn that the evidence was the work of the party giving evidence at the hearing. The Tribunal asked Ms. Power to report back to the Commissioner of Valuation that the 'new system' was not working and that it had the potential to fatally undermine expert witness evidence adduced on behalf of the Respondent at hearings at the Valuation Tribunal.

8.21 With the support of Mr. Halpin, Mr. Smyth adjourned the hearing. With commendable speed Ms. Power filed a revised précis correcting errors, within 24 hours.

8.22 The hearing resumed virtually at 10.00 on the 31<sup>st</sup> day of March 2022 attended by Ms. Carol Spain, Director of Appeals at the (then) Valuation Office on behalf of the Respondent and Mr. Halpin for the Appellant. The three Division members were present and Mr. Smyth presided.

8.23 After the close of business the previous day the Division had received a request from Respondent for adjournment. Ms. Spain stated that the (then) Commissioner of Valuation instructed Ms. Spain to attend the hearing and apply for an adjournment on the basis that the (then) Commissioner of Valuation objected to the resumption of the hearing as he was prejudiced by the conduct of the Division after the adjournment and there had been misconduct by the Chairperson of the Valuation Tribunal and the Division. Ms. Spain stated that what was required was to set aside the current hearing and appoint a new division with a new chairperson.

8.24 Mr. Smyth totally rejected the accusations levelled at the Division by Ms. Spain on behalf of the (then) Commissioner of Valuation. The application for a de novo hearing was rejected. The Division had facilitated the (then) Commissioner of Valuation by alerting the Respondent to the failure of 'a new system,' as outlined by Ms. Power, at the hearing, which could fatally undermine evidence offered by the Respondent at hearings by the Valuation Tribunal. The Tribunal was concerned that the situation would not arise again and simply requested the Chairperson of the Tribunal to write to the (then) Commissioner of Valuation to explain the position without identifying the case or individuals before the Division. Ms. Spain said that Ms. Power was not available to attend and she (Ms. Spain) was not offering evidence. Mr. Smyth stated that the hearing had reached a very advanced stage but the completion of cross examination could not take place without the Respondent's representative.

8.25 Ms. Spain accused Mr. Halpin of contravening Valuation Tribunal Rule 8 as he did not afford the courtesy to Ms. Power of identifying errors in her précis in advance of the hearing and created a situation where Ms. Power became confused and entire situation would not have occurred. Ms. Spain said to Mr. Halpin that if he was aware of errors, he was obliged to advise Ms. Power. Mr. Halpin rejected the accusation on the basis that the errors were on the respondent's side and he had not objected to the adjournment which facilitated the Respondent.

8.26 Ms. Spain complained that the Division had not made the recording of the hearing available to the (then) Commissioner of Valuation. Mr. Halpin, (who had been unaware of the correspondence between the Tribunal and the Respondent) said that if the Division had made the recording available it would have prejudiced the Appellant. In his view the Division was quite correct not to supply a recording of a hearing which was still in session, albeit adjourned. Ms. Spain accused Mr. Halpin of impropriety in contacting Ms. Power the day after the hearing was

adjourned. Mr. Halpin said it was his long-standing policy to contact with the Respondent's representative after each hearing.

8.27 Mr. Smyth further adjourned the hearing.

8.28 The Tribunal advised the parties that the hearing would resume on the 23<sup>rd</sup> day of May 2024.

8.29 Prior to the hearing on the 14<sup>th</sup> day of May 2024, more than two years after the Tribunal alerted the (then) Commissioner of Valuation to the potential that a 'new system' had the potential to undermine the Respondents evidence it was finally admitted by the Chief State Solicitor's Office that the Tribunal concerns were valid:

*“The errors were caused when the VOS system operated by the by the Valuation Office at the time was being trialled. In essence, the system automatically creates tables from data held by the Valuation Office. The system was at that time subject to error and the error that occurred is that the automatic table generated amalgamated “Stores” into one metric when in fact the comparators had stores of different varieties which had different rates per square metre. The system is no longer used by Tailte Éireann.”*

8.30 The letter from the Chief State Solicitor's Office also offered to further amend Ms. Power's revised précis at Page 62, by agreeing to Mr. Halpin's valuation of the “Rear Storage Yard” at €7per square metre or 10% of the “Workshop” value of €70per square metre. This lowered Ms. Power's opinion of NAV from €243,800 to €228,750 compared to Mr. Halpin's contended NAV of €211,600. Essentially the difference between that parties was the value being ascribed to the showroom area (Ms. Power €160per square metre and Mr. Halpin €144per square metre). As it had been agreed between the parties that the 'Front and Side Display Yards' would be valued at a level equivalent to 15% of the level per square metre attributable to the showroom, the only mater at issue when the hearing resumed was the per square metre value of the showroom space.

8.31 In advance of the resumption of the hearing it was agreed by both parties that Mr. Michael Brennan, Deputy Chairperson of the Valuation Tribunal would replace Mr. Barry Smyth on the Division as Mr. Smyth's term of membership of the Valuation Tribunal had ended. Mr. Brennan agreed to listen to the recordings of the previously adjourned hearings and study both parties précis.

8.32 On the 23<sup>rd</sup> day of May 2024, the hearing resumed, in person, at the offices of the Valuation Tribunal, Holbrook House, Holles Street, Dublin 2. Attending on behalf of the Respondent were Ms. Power of Tailte Éireann, Mr. David Dodd BL and Mr. Adam Wickham. of the Chief State Solicitor's office. It was agreed that Mr. Halpin could attend virtually as he had been under the mistaken impression that the hearing was taking place on another day – Mr. Halpin apologised to the Tribunal and the Respondent's representatives. The three Division members were present with Mr. Michael Brennan, a Deputy Chairperson of the Valuation Tribunal, presiding.

8.33 Mr Brennan opened the hearing and referenced the agreement of the parties that he had replaced Mr. Smyth as chairperson of the Division. Mr. Brennan stated that the hearing was the third one relation to the Property and arose due to admitted inaccuracies in evidence at the first hearing on the 23<sup>rd</sup> day of February 2022. The hearing resumed on the 31<sup>st</sup> day of March where

a request for a de novo hearing by Ms. Carol Spain, Director of Appeals at the (then) Valuation Office was rejected. Ms. Spain was not prepared to offer evidence to the hearing was further adjourned. Mr. Brennan confirmed that he had listened to the audio and read the papers in relation to the Property. The Tribunal accepted that Ms. Power had no intention to wilfully mislead the Tribunal or the Appellant's representative, Mr. Halpin.

8.34 Mr. Brennan, referring to the letter of the 14<sup>th</sup> day of May 2024 from the Chief State Solicitor's Office, said that the Tribunal completely rejected negative assertions relative to the conduct of the hearing by, and subsequent correspondence from, the Tribunal. Twenty-seven months had now elapsed since the first hearing; it was a simple quantum appeal where the difference between that parties was now between 7% and 8%, based on revised figures presented on behalf of the Respondent.

8.35 Summarising the position, Mr. Brennan said that the only matter at issue was now the value per square metre of the showroom, where the respondent was at €160per square metre and the Appellant €144per square metre. All other headings had been agreed as to floor area and rental treatment per square metre or by reference to an agreed % of other headings. The argument advanced on behalf of the Respondent was that there were two levels of 'showroom' value at Airside Motor Park relative to frontline or 'road profile' properties (€170per square metre) and second line or 'internal profile properties' (€160per square metre). The Respondent maintained the showroom at the Property should be valued at €160per square metre on the basis that only two levels of value should apply to showrooms at Airside Motor Park. Mr. Halpin disagreed and proposed a third level at a rate of €144per square metre – a 10% reduction on €160per square metre due to inferior location and design/construction relative to second line or 'internal profile properties' where showrooms were valued at €160per square metre.

8.36 Each party agreed to the Tribunal's suggestion that the hearing resume with the cross examination by Mr. Halpin of Ms. Powers evidence, effectively from paragraph 7.2, Page 35 of Ms. Power's précis. The Tribunal reminded witnesses that they were still under oath.

8.37 Mr. Dodd invited Ms. Power to adopt her revised précis subject to the amendment of the 'rear storage yard' to €7per square metre, which agreed with Mr. Halpin's value of that element of the property. Ms. Power adopted her revised (and now amended) précis accordingly. Mr. Dodd, referencing page 62 of Ms. Powers revised and amended précis, stated that the only area of disagreement was the showroom value per square metre and from which the 'front display yard' could be calculated per square metre at a factor of 15% of the showroom value - this was agreed between the parties. Ms. Powers original evidence was a NAV of €243,000 and this was now amended to €228,750 and therefore the appeal had been successful.

8.38 Mr. Halpin resumed his cross-examination of Ms Power who confirmed that the level applied to the front and side yards was €24per square metre based on 15% of the showroom level of €160 per square metre.

8.39 Mr. Halpin asked Ms. Power to explain her comparison N2. Ms. Power advised that it was a second-line property valued at €160per square metre less 10% discount for prefabricated building and consequently the showroom was valued at €144per square metre. Mr. Halpin said that at a previous revision the (subject) Property received an end allowance. Ms. Power did not have the

detail but agreed that the N2 NAV comparison showroom was valued at €144per square metre which was the same level Mr. Halpin was seeking for the showroom at the Property.

8.40 Mr. Brennan asked Ms. Power to compare the prefabricated building with showroom valued at €144per square metre to the subject Property. Ms. Power referred to a photograph on page 44 of her précis and stated that the prefabricated building looked like a 1970's building albeit recently constructed. It bore no comparison with the Property and referenced the photograph on page 16 of her précis.

8.41 Mr. Dodd asked Ms. Power which building was better - a permanent building, glass façade and motor showroom proper with additional workshop and stores and office area, or the prefabricated building at her comparison N2. Ms. Power reiterated that the subject Property was much better. Mr. Dodd stated that a prefabricated structure had no potential to capture a main dealership agreement. Mr Dodd also stated that the visibility of the Property was far better - a double frontage on a long stretch of road where the Property can be seen as turning the corner at the VW showroom, compared to Ms. Power's comparison N2 which is quite hidden. Mr. Dodd referencing page 43 of Ms. Power's précis, stated that comparison N2 was in a cul-de-sac and not visible from the road – it was only visible immediately outside the property and the building was set back behind the large display area. Mr. Dodd said that signage was important and urged the Tribunal to examine and compare Ms .Powers photographs in her précis (pages 16 and 44)of the signage at the Property and those at Ms. Powers comparison N2. Mr. Dodd asked Ms. Power to identify the visibility of the property. Ms. Power stated that in turning south after the VW unit the Property was approx. 220m to the south from the corner of the road, and the property's signage was visible from the turn (south) in the road.

8.42 Mr. Dodd asked Ms. Power to comment on comparing the Property to her comparisons. Ms. Power stated that equity and uniformity came into play and in her professional view valuing the Property's showroom at €144per square metre would completely 'throw things out of the water' and it would be inequitable relative to those properties in the cul-de-sac where the showrooms were valued at €160per square metre.

8.43 Referencing Ms. Powers comparisons N4 at North Street, Swords and N5 at Howth Junction Business Park, Mr. Dodd pointed out that the showrooms were valued at €150per square metre, higher than that value of €144per square metre contended for by Mr. Halpin in respect of the Property. Ms. Power responded that the motor showroom in Swords were adapted from a former two storey house and the property at Howth Junction Business Park was a much older property. If the Tribunal were to affirm a showroom value at the Property of €144per square metre, it would be inequitable relative to the thirty-one motor showrooms in Fingal which were variously valued at €170/€160/€150/€120/€90 per square metre. The highest levels of €160/€170per square metre was for Airside Motor Park and high profile M50 showrooms. The next level was €150per square metre which was applied to properties such as those at the Old Navan Road and Kilbarrack. Outlying motor showrooms in Fingal such as those at in Lusk, Balbriggan and Donabate were variously valued at either €120per square metre or €90 per square metre. Ms Power pointed to Mr. Halpin's comparison Turvey Business Centre where the showroom was valued at €120per square metre.

8.44 Mr. Dodd asked Ms. Power to demonstrate the visibility of the Property to the Tribunal. Ms. Power pointed to a map in her précis and also demonstrated a google street view from her laptop demonstrating the view from the turn (south) of the internal roadway immediately east of the VW showrooms. Ms. Power pointed to multiple entrances off the road, the RNLI offices, and the Property.

8.45 The Tribunal queried Ms. Power on the NAV of her N2 comparison. Ms. Power agreed that the allowance of €5,222.07 was precisely 15% of the combined value of the two areas described as 'Yard (Hardcore)' with a combined NAV of €34,813.80. It was put to Ms. Power that the only other allowance of €6,369.30 must apply to the only remaining NAV, that of the showroom valued at €41,178.24, effectively lowering the €144 per square metre by a figure slightly in excess of 15%. Ms. Power agreed that this was logical but believed there had been an error in the Valuation Office's approach to this property. It appeared that a 10% allowance was granted against the €160 per square metre for second line showrooms accounting for the €144 per square metre figure but she could not account for the additional allowance against the showroom. Ms. Power accepted that taking account of the allowance against the showroom, the NAV of €144 per square metre would be in the €120's per square metre.

8.46 In summing up, Mr. Halpin said that it was necessary to go back to the historic development of the motor park in the in early 2000's. The occupier bought the cheapest site he could secure. There were always issues with the location and the Property, whilst constructed to a good standard, it was not constructed to the same standard as most other showrooms at Airside Motor Park. Mr. Halpin maintained that the Property was located in a third line site opposite industrial units and behind the RNLI office building. Historically there had always been a 12% to 15.5% discount to differentiate for the lower standard of construction and third line location. Mr. Halpin stated that the location had not changed and that on every previous occasion the (then) Commissioner of Valuation, or the Tribunal, had permitted a discount.

8.47 On Ms. Power's equity point, Mr. Halpin stated that that the level of NAV per square metre was not just set by reference to Airside Motor Park and that locations outside Airside had to be considered in arriving at an equitable NAV for the Property.

8.48 Mr. Halpin acknowledged that the NAV per square metre for the rear yard had been resolved at his valuation per square metre and that it was the agreed position between that parties that the NAV of the front and side yards would be calculated at 15% of the showroom value per square metre. Mr. Halpin said that the NAV should be moderated to reflect the facts.

8.49 Summing up, Mr. Dodd reiterated that the appeal had been successful as the NAV had been moderated to €228,750 from the list NAV of €243,000.

8.50 Mr. Dodd said that in relation to the relativity of the Property to others on park, the onus was on the Appellant to prove the case. Everything fell now on the showroom NAV per square metre and the Tribunal's decision must be evidence based. Comparing the Property to Ms. Power's comparison N2 (O'Connell's Automotive Ltd), was comparing a prefabricated building to the Property - a purpose- built car showroom.

8.51 Mr. Dodd advanced the argument that Airside Motor Park was a destination for people buying cars or particular brands. Potential car purchasers go to locations which sell cars – the car purchaser sets a budget and goes to see cars on offer having researched availability online. The attraction to Airside Motor Park did not depend on visibility on the R125 road or showroom units with frontage to the Airside complex’s circulation roads. Potential purchasers conduct research online and then go to the location.

8.52 Mr. Dodd said that the previous valuation history was effectively wiped out by the revaluation. The revision decision of 2010 was 14 years old and not relevant. Revaluation is undertaken to correct anomalies and errors, said Mr. Dodd, who contended that it would be a gross error in law to follow revision decisions. In 2010 the Tribunal considered that the RNLi office building was blocking the Property but the Google street view produced at the hearing proved that this was not the case. In the Google street view, the Property is visible from the bend in the road adjacent to the VW showroom. New evidence does not support any blocking contention and in any event, Mr. Halpin had not advanced a blocking argument on this occasion.

## **9. SUBMISSIONS**

9.1 There were no legal submissions by either party

## **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 Fingal County Council.

10.2 The letter received from the Office of the Chief State Solicitor, on the 14th day of May 2024, prior to the hearing was conspicuous in the absence of any apology to the Division for the incorrect accusation of prejudicing the (then) Commissioner of Valuation’s position and the unwarranted accusation of misconduct. Further, the letter having admitted that the (then) Commissioner of Valuation’s system was at fault, attempts to pass the responsibility for the stress caused to the Respondent’s representative to correspondence from the Tribunal. The causative factor was the (then) Commissioner of Valuation’s decision to use a system, which was being trialled, to produce précis – a system which ultimately failed and is no longer in use. It is surprising that it took the Respondent more than two years to advise the Tribunal that the Tribunal’s suspicions as to the inaccuracy of ‘a new system’ proved correct. That said, the Tribunal’s concerns and observations on the conduct of the case, has no bearing on the determination of the NAV.

10.3 By the third hearing, the differences between the parties were solely in respect of the showroom NAV per square metre which would dictate the NAV of the side and front display yards, the parties having agreed that these yards would attract a NAV per square metre of 15% of the showroom NAV per square metre determined by the Tribunal. Accordingly, the Tribunal limited its focus to matters relating to showroom NAV’s only.

10.4 It was common cause between the parties that most showrooms at Airside Motor Park were valued at €170 per square metre for units with frontage to the main roads at the Airside complex

with €160 per square metre applying to showrooms inside the motor park. The Respondent's contention was that the showroom rate of €160 per square metre should apply to the Property whereas the Appellant contended for a showroom rate of €144 per square metre.

10.5 Ms. Power and Mr. Dodd contended that it would be inequitable to create a third level of value within Airside Motor Park however the evidence advanced on behalf of the Respondent indicated that there could be at least one other level of showroom NAV in the €120's per square metre represented by Ms. Power's comparison NAV's N1 and N2. At N2 (O'Connell Automotive Limited) Ms. Power agreed that the Tribunal's analysis of the showroom NAV per square metre was in less than that indicated and in fact it is a net of €34,808.94 (€41,178.24 - €6,369.30) which reflects a showroom NAV of €121.73. Ms. Power ascribed the allowance as an error, nevertheless it is on the Fingal list. In relation to Ms. Power's comparison N1, Ms Power agreed with Mr. Halpin that offices at ground level at Airside Motor Park are usually valued at the same level as showrooms. Ms. Power could not account for a different approach in this instance At N1 the office NAV is €70 per square metre whereas the showroom rate is €160 per square metre. Aggregating the floor areas and NAV's produces a NAV of €16,029 and an average office/showroom NAV per square metre of €125.07. The office/showroom area at N1 is 128.16 Sq. M and 285.96 Sq. M at N2. The agreed showroom area at the property 910 Sq. M with N1 representing 14.08% in size compared to the Property and N2 at 31.42%. Ms. Power also outlined five different levels of showroom value per square metre in Fingal - in descending order €170/€160/€150/€120/€90 per square metre.

10.6 Most of the properties at main dealerships (showrooms valued at €160 or €170 per square metre) at Airside Motor Park are of similar construction. Despite arguments to the contrary by the Respondent, the Tribunal accepts the Appellant's evidence that the Property is of lesser quality as a showroom, compared to the main dealership premises where the showrooms are valued at €160 pms and €170 pms. The Tribunal accepts that the Property has a good presentation but not as good as the showroom units valued at €160 and €170 per square metre.

10.7 All the main dealerships are in locations described as 'frontline/road profile' properties or 'second line/internal profile properties'. Although visible from the bend in the road at the VW unit and looking south, the visibility to the Property is limited to a part side profile, mainly at first floor level. It is also clear that despite the visibility, the RNLi office building and the parked cars in the yard at the Seat-Citroen showroom impede the view of the Property. A full profile at the Property can only be achieved by standing at, or very close to the Property. The Tribunal accepts that the location is not as good as the showrooms valued at €160 and €170pms each of which has full frontal profile, from the Airside complex main roads or the entrance to Airside Motor Park.

10.8 Whilst the Respondent is correct that the main access for the Land Rover - Jaguar and Renault – Dacia showrooms is from the same road as the Property, both of these units have significant profile to the R125 and the showrooms are valued at €170per square metre accordingly. Whilst there is an access from the same road to the Seat-Citroen showrooms, this is a secondary access and the main access is from the cul-de-sac visible from the entrance road. The Respondent has already introduced a hierarchy of values for showrooms per square metre at Airside Motor Park in its 'road profile' and 'internal profile properties' designations, with showrooms per square metre valued at €170 and €160 respectively. The Tribunal believes that the Appellant is in a less advantageous compared to second line or 'internal profile properties'. Clearly the Respondent was

of the same opinion in relation to second line or ‘internal profile properties’ compared to frontline or ‘road profile’ properties as it allowed a discount of 5.88% for second line or ‘internal profile properties’ over the rate of €170 per square metre established for ‘road profile’ showrooms. The Tribunal considers that the Appellant has proved its case that the Property is less advantageously located and with less visibility compared to second line or ‘internal profile properties’ with showrooms valued at €160 per square metre at Airside Motor Park.

The Tribunal believes that the benchmark of second line or ‘internal profile properties’ with showrooms valued at €160 is appropriate the appropriate benchmark for the property before allowance for locational and lower standard of construction. The Tribunal notes that the showroom rate per square metre for the second line or ‘internal profile properties’ at €160 per square metre is 5.88% less than the €170 per square metre for the frontline or ‘road profile’ properties. Given the inferior showroom construction relative to main dealerships at Airside Motor Park and the inferior location relative to second-line or ‘internal profile properties’ showroom properties, the Tribunal concurs with the Appellant that a 10% discount should be applied to the showroom rate of €160 per square metre.

**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 **€211,600**.

Floor	Use	Sq.M	NAV/Sq. M	NAV
0	SHOWROOM	910.00	€144.00	€131,040.00
0	WORKSHOP	650.49	€70.00	€45,534.30
0	STORE	77.88	€70.00	€5,451.60
Mezz	STORE MEZZ	68.38	€14.00	€957.32
0	FRONT DISPLAY YARD	153.00	€21.60	€3,304.80
0	SIDE DISPLAY YARD	889.40	€21.60	€19,211.04
0	REAR YARD	885.00	€7.00	€6,195.00
				€211,694.06
			Say	<b>€211,600.00</b>

**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.