

Appeal No. VA04/2/021

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

Vicky Gregg

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Shop at Lot No. 9Aa.B.12/Unit 65, Broadmeadow, Swords Lissenhall, County Dublin

B E F O R E

Fred Devlin - FSCS.FRICS

Deputy Chairperson

Mairéad Hughes - Hotelier

Member

Patrick Riney - FSCS FRICS FIAVI

Member

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 27TH DAY OF OCTOBER, 2004

By Notice of Appeal dated the 7th day of April, 2004, the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of €120.00 on the above described relevant property.

The Grounds of Appeal as set out in the Notice of Appeal are:

"On the basis that the RV is excessive, inequitable & bad in law."

This appeal proceeded by way of an oral hearing held at the offices of the Valuation Tribunal, Ormond House, Ormond Quay Upper, Dublin 7 on the 26th of July 2004. At the hearing the appellant was represented by Mr. Eamonn Halpin, B.Sc.(Surveying), ASCS, MRICS, MIAVI and the respondent by Mr. Noel Lyons, B.Comm, Grade 1 Valuer with the Valuation Office.

On the 5th of August 2003 a Valuation Certificate was issued pursuant to Section 28(6) of the Valuation Act, 2001 stating that the rateable valuation of the property concerned had been assessed at €120. No change to this assessment was made by the Commissioner of Valuation at appeal stage and it is against this decision that the appeal to this Tribunal now lies.

The Property Concerned

The Applewood Village development is a large new suburban residential development on the immediate outskirts of Swords. The development includes a neighbourhood shopping centre complex which provides a supermarket and a parade of retail outlets with two floors of office accommodation overhead. The property concerned is a typical retail unit in the Applewood Village scheme and has an agreed area of 110 sq. metres. The property is occupied under a 25-year full repairing and insuring lease from May 2002 at an initial yearly rent of €24,950 per annum (i.e. €226.81 per sq. metre overall).

Appellant's Evidence

Mr. Halpin after having taken the oath adopted his written submission and valuation which had previously been received by the Tribunal as being his evidence-in-chief.

Mr. Halpin in evidence contended for a rateable valuation of €9 calculated as set out below:

| | | |
|----------|--|--------------------|
| Zone 'A' | 57.70 sq. metres @ €109.34 per sq. metre | € 6,309 |
| Zone 'B' | 50.93 sq. metres @ €4.68 per sq. metre | €3,004 |
| Zone 'C' | 1.37 sq. metres @ €7.30 per sq. metre | <u>€7</u> |

| | | |
|--------------------|-----|--------|
| Total | | €9,350 |
| @ 0.63% = RV 58.90 | say | €9 |

In support of his opinion of net annual value Mr. Halpin introduced four comparisons details of which are set out in Appendix 1 attached to this judgment.

In evidence Mr. Halpin contended that the valuation of the property concerned was excessive having regard to:

- The prevailing level of values of similar properties in Swords.
- Its rental value compared to the rental levels of similar properties in Swords.
- The inferior trading location compared to shops in Swords.

The Respondent's Evidence

Mr. Lyons having taken the oath adopted his written submission and valuation which had previously been received by the Tribunal as being his evidence-in-chief.

Mr. Lyons in his evidence contended for a rateable valuation of €120 calculated as set out below.

| | | |
|-------------------------------------|---|------------|
| Hairdressing Salon | 110 sq.metres @ €170.54 per sq. metre = | €18,759.40 |
| Net Annual Value | | €18,759.40 |
| Rateable Valuation @ 0.63% = €18.18 | say | €120 |

In support of his opinion of net annual value Mr. Lyons introduced four comparisons details of which are set out in Appendix 2 attached to this judgment.

Mr. Lyons said that in arriving at his opinion of net annual value he had examined the assessments of shops in other shopping centres in the Swords area including one unit in the Applewood Village development which had been agreed at revision stage. Such an approach, Mr. Lyons said, was in compliance with section 49(1) of the Valuation Act, 2001.

Under examination Mr. Lyons agreed that in addition to the property concerned the assessment of fourteen other shop units in the Applewood Village scheme were still under appeal and that the only assessment not appealed was the Boyle Sports unit which he had introduced as a comparison.

Mr. Lyons also agreed that the Pavillion Shopping Centre was more in the nature of a regional shopping centre and hence greatly dissimilar in scale and nature from the Applewood Village development.

Findings

The Tribunal has carefully considered all the evidence and arguments adduced by the parties and makes the following findings:

1. The shopping facilities at the Applewood Village development are akin in size and range to a neighbourhood shopping centre.
2. In the Swords area there are two existing neighbourhood shopping centres i.e. River Valley Shopping Centre and Manor Mall Shopping Centre. The Tribunal considers the established level of values in these centres to be relevant in the circumstances of this appeal. The Tribunal accepts Mr. Lyons' evidence to the fact that the Manor Mall Shopping Centre is inferior to the Applewood Village development.
3. The Pavillion Shopping Centre is a large enclosed regional type centre and hence cannot be considered comparable in any way to the Applewood Village development. Accordingly, evidence of assessments in this centre is of little assistance.
4. Little weight is attached to evidence of assessments in Main Street, Swords and elsewhere within the confines of the town by virtue of the locational differences between them and the property concerned.

Determination

Having regard to the foregoing the Tribunal determines the rateable valuation of the subject property to be €7 calculated as set out below.

Hairdressing salon 110 sq.metres @ €40 per sq. metre = €15,400

Rateable Valuation at 0.63% = €7

And the Tribunal so determines.