

Appeal No. VA04/4/003

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

John Foy

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Office(s) at Lot No. 2.4.6/2, Pound Street, Stranorlar, County Donegal.

B E F O R E

Fred Devlin - FSCS.FRICS

Deputy Chairperson

Michael F. Lyng - Valuer

Member

Patrick Riney - FSCS FRICS FIAVI

Member

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 11TH DAY OF MAY, 2005

By Notice of Appeal dated the 16th day of November, 2004, the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of €8.00 on the above described relevant property.

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

"Not valued in accordance with Valuation Acts. No comparable properties used in arriving at the valuation."

The appeal proceeded by way of an oral hearing, which took place in the Radisson Hotel, Letterkenny, Co. Donegal on the 28th January, 2005. Mr. Patrick McCarroll, FIAVI, MRICS, ASCS, MCI Arb represented the appellant. Mr. Damien Curran, MRICS, ASCS, B.Sc. (Surv), a Valuer in the Valuation Office represented the respondent. At the oral hearing both parties having taken the oath adopted their respective précis as being their evidence-in-chief.

Description

The property comprises the first and second floors (attic level) of a mainly 2 storey (with attic level) detached redeveloped building with retail use on the ground floor and offices overhead.

Location

The property is situated on the eastern exit of the town of Stranorlar, on the main Lifford Road. It is located on the Northern side of Pound Street, Stranorlar, and within the twin towns of Ballybofey and Stranorlar in the eastern half of County Donegal. Ballybofey traditionally has been the better business town where McElhinneys Store has been a key factor in attracting trade. Stranorlar has not experienced the same level of trade.

Tenure

Freehold.

Services

All main services are connected.

Accommodation

It is understood the property is occupied for office use as follows:-

First Floor Office	– 143.03 sq. metres
Second Floor (Attic Level) Office	– 67.50 sq. metres
Total:	- 210.53 sq. metres

Appellant's case

Mr. Patrick McCarroll in his evidence outlined his case and stated how the subject property was located and designed with a narrow doorway at ground floor level. The building occupies 100% of the site with no parking or yard space attached. He gave details of his 2 main comparisons (details at Appendix 1 to this Judgment) located in Donegal which were purpose built offices superior to the subject property and with parking facilities. He also gave details of the ground floor unit of the subject property, stating that it was recognised practice that the first floor would normally be assessed at 50% of the ground floor level. Under cross-examination by Mr. Damien Curran, he would not accept that the value had increased since it was last revised in 1994, when it was refurbished from a former residence.

Mr. McCarroll said that any property in Ballybofey commands a premium over a similar property in Stranorlar. He also stated that anyone who knows the area is aware that all the business is done in Ballybofey, as opposed to Stranorlar, which he regarded as being a dormitory town and a secondary location for doing business.

Mr. McCarroll contended for a rateable valuation of €43 calculated as follows:

First Floor Office	143.03 sq. metres @ €50.00 per sq. metre =	€7,151.50
Second Floor Store	67.50 sq. metres @ €20.00 per sq. metre =	<u>€1,350.00</u>
	Net Annual Value	€8,500.00
RV @ 0.5%		= €42.50
RV	Say	= €43.00

Respondent's case

Mr. Curran, in his evidence, pointed out that his three main comparisons (details at Appendix 2 to this Judgment) were of inferior quality to the subject and were mainly refurbished domestic type residences. The property concerned on the other hand comprised the first and attic floors of a recently built development with a shop at ground floor level with offices overhead.

In arriving at his opinion of net annual value he had taken into account the fact that the offices were purpose built to a good standard. He also took into account the fact that the property was located in Ballybofey and not Stranorlar.

Mr. Curran's valuation of €68 was based on an NAV of 13,300 calculated as follows:

First Floor Office 143.03 sq. metres @ €75.17 per sq. metre

Attic Floor 67.50 sq. metres @ €37.58 per sq. metre

Mr. McCarroll pointed out that the respondent's three main comparisons were smaller office units and located in Ballybofey.

Finding

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

1. The comparisons submitted by the respondent were of most assistance in assessing net annual value.
2. The valuation put forward by the respondent is fair and reasonable.

Determination

Having regard to the above the Tribunal affirms the entry in the valuation list at the Rateable Value of €68.00

And the Tribunal so determines.