

Appeal No. VA12/3/025

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

Premier Group Hotel Reservations Ltd.

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Property No. 5003263, Shop (Offices) at The Forum, Ballymoss Road, Sandyford Industrial Estate, Sandyford, County Dublin.

B E F O R E

Niall O'Hanlon - BL

Deputy Chairperson

Patrick Riney - FSCSI, FRICS, ACI Arb

Member

Veronica Gates - Barrister-at-Law

Member

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 12TH DAY OF FEBRUARY, 2013

By Notice of Appeal received on the 13th day of August, 2012 the appellant appealed against the determination of the Commissioner of Valuation in fixing a valuation of €13,490 on the above described relevant property.

The grounds of appeal are set out in the Notice of Appeal, a copy of which is attached at Appendix 1 to this judgment.

The appeal proceeded by way of oral hearings, which took place in the offices of the Valuation Tribunal on the third floor of Holbrook House, Holles Street, Dublin 2, on the 17th day of October, 2012 and the 20th day of November, 2012. The appellant was represented by Mr. Jonathan Brady, commercial manager of the appellant company. Mr. Adrian McCarthy, accountant with the appellant company, also attended the hearing. The respondent was represented by Mr. Neil Corkery, B.Sc. (Hons) Surveying, a valuer at the Valuation Office.

In accordance with the Rules of the Tribunal, the parties had exchanged their respective précis of evidence prior to the commencement of the hearing and submitted same to this Tribunal. At the oral hearing, both parties, having taken the oath, adopted their précis as being their evidence-in-chief. This evidence was supplemented by additional evidence given either directly or via cross-examination. From the evidence so tendered, the following emerged as being the facts relevant and material to this appeal.

At Issue

Quantum.

The Property

The subject property is a standard retail unit located at ground level with retail frontage.

Location

The property is located at Block B, The Forum, Ballymoss Road, Sandyford, Co. Dublin.

Services

All services are connected to the subject property.

Floor Areas

Floor areas as agreed between the parties on a net internal area (NIA) basis are as follows:-

Ground Floor – Retail Zone A –	15.5 sq. metres
Ground Floor – Retail Zone B –	0.75 sq. metres
Total NIA	16.25 sq. metres

Valuation History

- A revision Valuation Certificate (proposed) issued on 21st February, 2012 with a Valuation of €13,950;
- Representations were lodged with the Commissioner of Valuation by the occupier for the subject property on 20th March, 2012 and the valuation remained unchanged;
- A Valuation Certificate issued on 20th April, 2012;
- An appeal was lodged by the occupier with the Commissioner of Valuation on 22nd May, 2012 after which the valuation was reduced to €13,490 following an area correction;
- A final Valuation Certificate issued on 18th July, 2012;
- An appeal was lodged with the Valuation Tribunal on 13th August, 2012.

Appellant's Case

The primary basis of the appellant's appeal is that the property is used as an office and has been used as an office since it first became available for occupation. The appellant contended that as the property is only approximately 16 sq. metres in size, no commercially viable retail enterprise would be capable of operating from such a small space and that, accordingly, the property should be categorised as office space in order to reflect the use of the property.

Valuation by the Appellant

Mr. Jonathan Brady contended for a valuation of €4,550 for the subject property calculated as follows:

Ground Floor Office 16.25 sq. metres @ €280 per sq. metre = €4,550

Appellant's Comparison Properties

In support of his opinion of valuation, Mr. Brady provided three comparative properties as follows:-

1. Solar Print Limited – a property situate at ground floor level in Silverstone House, Ballymoss Road, Sandyford Industrial Estate, Dublin 18.

Ground Floor Office 591 sq. metres @ €280 per sq. metre = €165,480

Listed Valuation: €166,000

2. O'Dwyer Property Management Limited, Silverstone House, Ballymoss Road, Sandyford Industrial Estate, Dublin 18.

First Floor Office 580 sq. metres @ €280 per sq. metre = €162,400

12 car parking spaces @ €1,250 each = € 15,000

Listed Valuation = €177,600

3. Sabeo Technologies Limited, Unit 8, The Courtyard, Carmanhall Road, Sandyford Industrial Estate, Dublin 18.

Ground Floor Office 195 sq. metres @ €280 per sq. metre = €54,600

5 car parking spaces @ €1,250.00 = €6,250

Listed Valuation = €60,800

Cross-Examination of the Appellant

Mr. Corkery cross-examined Mr. Brady as to whether or not the appellant had made any application for a change in official planning permission on the subject property. Mr. Brady confirmed that no such application had been made.

Respondent's Case

Mr. Corkery contended that the net annual value was assessed as of 30th September, 2005 which is in line with the basis adopted for the determination of other revised properties within the Dun Laoghaire/Rathdown Rating Authority Area. He stated that the valuation is made by reference to the values of comparable properties appearing on the Valuation List for Dun Laoghaire/Rathdown Rating Authority Area in accordance with Section 49 of the Valuation Act, 2001.

Valuation by the Respondent

Mr. Corkery contended for a net annual value of €13,490 for the subject property calculated as follows:

Ground Floor – Retail Zone A 15.5 sq. metres @ €850 per sq. metre = €13,172.45 [sic]

Ground Floor – Retail Zone B 0.75 sq. metres @ €425 per sq. metre = € 318.88 [sic]

TOTAL NAV = €13,491.00

Valuation Office Estimate of NAV (rounded to) €13,490

Respondent's Comparison Properties

In support of his opinion of net annual value, Mr. Corkery put forward three comparison properties as follows:-

1. Vacant property situate at Unit 5A, The Cubes, 3, The Plaza, Beacon South Quarter, Sandyford.

Ground Floor (Retail Zone A) 27.45 sq. metres @ €350 per sq. metre = €9,608

Ground Floor (Retail Zone B) 18.45 sq. metres @ €425 per sq. metre = €7,841

Net Annual Value = €17,449

NAV (rounded to) €17,500

2. Baristas Café, Unite B2, Block B, The Forum, Ballymoss Road, Sandyford Industrial Estate.

Retail Zone A 64.05 sq. metres @ €750 per sq. metre = €48,037

Retail Zone B 62.57 sq. metres @ €375 per sq. metre = €23,463

Retail Zone C 32.32 sq. metres @ €187.50 per sq. metre = €6,060

Total NAV = €77,561 [sic]

NAV (rounded to) €77,500

3. Unit B2, Beacon South Quarter.

Retail Zone A 45.75 sq. metres @ €850 per sq. metres = €38,887.50

Retail Zone B 50 sq. metres @ €425 per sq. metre = €21,250

Total NAV = €60,137

NAV (rounded to) €60,100

Cross-Examination of the Respondent

Mr. Brady asked Mr. Corkery whether or not he had been able to find any comparator as small as the subject property. Mr. Corkery conceded that the subject property was small but, nevertheless, was a retail unit.

Findings

The Valuation Tribunal thanks the parties for their efforts, their written submissions, arguments and contributions at hearing, and finds as follows:

1. The property the subject of this appeal falls to be valued in accordance with section 49(1) of the Valuation Act, 2001 which states: *“If the value of a relevant property (in subsection (2) referred to as the “first-mentioned property”) falls to be determined for the purpose of section 28(4), (or of an appeal from a decision under that section) that determination shall be made by reference to the values, as appearing on the valuation list relating to the same rating authority area as that property is situate in, of other properties comparable to that property. “*
2. The subject property is a retail unit.
3. The comparison properties introduced by the appellant are not of assistance to the Tribunal as they entirely deal with office units.
4. The comparison properties introduced by the respondent are of assistance to the Tribunal, being ground floor retail units located in the same block as the subject property. Comparisons nos. 1 and 3 are of particular assistance, due to the fact of their being closer in size to the subject property. Comparison no. 2 is of less assistance given the significant disparity in size between it and the subject property.

Determination

Having considered all the evidence and arguments adduced by both parties and having regard to the above findings, the Tribunal upholds the determination of the respondent and affirms the valuation of the property concerned at €13,490.

And the Tribunal so determines.