

Appeal No.VA14/4/015

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

**Mr Pat Davitt c/o All Fit Gym**

**APPELLANT**

**And**

**Commissioner of Valuation**

**RESPONDENT**

**In Relation to the Issue of Quantum of Valuation in Respect of:**

Property No. 2212880, Gymnasium, at Lot No. 2C/Unit 8, Castlepollard Shopping Centre, Oldcastle Road, Castlepollard, Co. Westmeath.

**JUDGMENT OF THE VALUATION TRIBUNAL  
ISSUED ON THE 11<sup>th</sup> DAY OF NOVEMBER, 2015**

**Before**

**Stephen J. Byrne – BL**

**- Deputy Chairperson**

**Michael Lyng – Valuer**

**- Member**

**Carol O'Farrell – BL**

**- Member**

By Notice of Appeal received on the 12<sup>th</sup> day of November, 2014 the Appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of €26 on the above described relevant property on the grounds as set out in the Notice of Appeal as follows:

*"For a building on the first floor with access from Ground floor in a small town of 1200 population the valuation I feel is very high. The shop under this gym on the ground floor has a Rateable Valuation of €21 which is 20% less"*

This appeal proceeded by way of an oral hearing held in the offices of the Tribunal, on the 3<sup>rd</sup> floor of Holbrook House, Holles Street, Dublin 2, on the 18<sup>th</sup> day of March 2015 at 10 a.m. The Appellant was represented by Mr. Pat Davitt, Auctioneer and Valuer and the Respondent was represented by Ms. Ciara Hayes, Valuer at the Valuation Office.

### **The Property Concerned**

The subject property comprises first floor accommodation which is accessed via a stairwell. The property is laid out to provide for a reception area, changing facilities, an office and gym area.

### **Floor area of Property**

The subject unit was measured on an agreed Net Internal Area as 169.35sq.m.

### **Location**

The property is located in Castlepollard, Co. Westmeath approximately 20 km north of Mullingar. It is situated in Unit 8 Castlepollard Shopping Centre, Church Street, Oldcastle Road, Castlepollard, Co. Westmeath

### **Lease on Property**

There is a formal lease but it is party related. The property is owned by the Pollard Four and the Gym business is owned by three of the partners and the local factory.

### **Property Turnover**

The turnover for the property in 2014 was €41k, 2013 €42k and 2012 €51k. [Suggest deletion of this paragraph as turnover is not relevant factor]

### **Basis of Valuation**

The rateable valuation was assessed at 0.5% of the Net Annual Value (NAV), which is made by reference to the values of comparable properties appearing on the Valuation list for the Westmeath County Council Rating Authority Area, in line with Section 49 of the Valuation Act 2001.

### **The Appellant's Case**

Mr Davitt having taken the oath, adopted his précis as his evidence in chief and made a series of points which include the following:

- (i) Castlepollard is a small town of 1042 inhabitants in 2011 census.
- (ii) The subject property is located in a partially unfinished out of town complex.
- (iii) The Gym is located on the first floor.
- (iv) The stairs leading to the gym has 25 steps as opposed to the usual 13 and it is entered from the outside.
- (v) The frontage and windows of the subject property are very small leaving very little room for signage.

Mr. Davitt told the Tribunal that in 1988 there were upwards of 50 shops on the square in Castlepollard including ESB and Westmeath Co. Council, but today there are 31 shops open and 14 closed.

### **Cross Examination**

Mr. Davitt felt that there was no similar comparable property in Castlepollard, but he felt that because of the points he made, there should be a substantial reduction assessed for the NAV.

### **Respondent's Case**

Ms. Ciara Hayes took the oath and adopted her précis as her evidence-in-chief. She stated that the subject property has a separate entrance and could be let independently. Ms Hayes also considered first floor property with own access more valuable than one with an internal stairway. She referred to three comparable properties:

- (i) Property Number 1445626 - Davitt and Davitt, The Square, Castlepollard. This property extends over ground and first floor. The first floor offices of 24.30 sq.m are valued at €41 per sq.m.
- (ii) Property Number 2195814 -Tesco located in Castlepollard Shopping Centre. This property comprises ground floor accommodation measuring 357 sq. m valued at €54.67 per sq.m.
- (iii) Property Number 2162242 - Marion Higgins, Main Street, Kinnegad. comprises first floor accommodation of 30.83 sq.m. valued at €64.92 sq.m.

### **Cross Examination**

Ms. Hayes told the Tribunal that the issues raised by Mr Davitt were already discounted in her valuation including the external stairs. She agreed that Kinnegad was a better town than Castlepollard. However, the subject property was valued under section 49 of the Act. She also agreed that Davitt and Davitt property which is located in the square of Castlepollard is in a prime location. She clarified that a 25% discount had been applied to the subject property because it is substantially larger than Davitt and Davitt and approximately 350 metres from the Town centre. In reply to Mr Davitt, Ms Hayes stated that first floor units are not valued using the zoning method even if they are offices or retail.

### **Findings**

The Tribunal, having examined the particulars of the property the subject of this appeal; having confirmed its valuation history; having examined and considered the written evidence and having heard the oral evidence adduced before us by the parties to the appeal makes the following findings:

1. The subject property is located on the outskirts of Castlepollard.
2. The floor area of the subject property is much larger than any of the comparison Properties.
3. The Tribunal finds that the first floor offices of Davitt and Davitt is the only comparison property of any assistance. However, the subject property should not be assessed at the same level as the first floor of Davitt and Davitt which is substantially smaller and located in a superior and more high profile location than the subject property

4. The location and design of the stairway (25 steps) limits access to, and use of, the subject property.
5. While the Respondent stated in evidence that in valuing the subject property a 25% allowance had been made in respect of the subject property, the Tribunal finds that this allowance is insufficient.
6. The Tribunal considers that it appropriate to apply a suitable allowance for location, access and quantum in order to arrive at a reasonable valuation. [delete - has made an allowance to the subject property of 20% for location, 10% for access and 15% for quantum giving a total reduction of 45%. ]

#### **DETERMINATION**

Having regard to the foregoing, the Tribunal determines that the Rateable Valuation of the subject property should be calculated at 45% of €41 giving a total of €22.55 per sq. m:

Agreed Floor Area 169.35 sq.m @ €22.55 per sq.m = €3,818.84

With the resultant calculation to produce an R.V. of:

Total NAV €3,818.84 x 0.5% = €19.09

R.V. (say) = €19

And the Tribunal so determines.