

Appeal No. VA02/2/063

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

Abbeylon Ltd., t/a Industrial Cleaning Equipment

APPELLANTS

and

Commissioner of Valuation

RESPONDENT

RE: Warehouse and Warerooms at Map Reference 4A.5/Unit C5, CentrePoint Business Park,
Townland: Fox & Geese, ED: Clondalkin Monastery, Clondalkin, County Dublin.

B E F O R E

Tim Cotter - Valuer

Deputy Chairperson

Michael F. Lyng - Valuer

Member

Frank O'Donnell - B.Agr.Sc. FIAVI

Member

JUDGMENT OF THE VALUATION TRIBUNAL

ISSUED ON THE 2ND DAY OF APRIL, 2003

By Notice of Appeal dated the 26th April 2002, the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of €14.28 on the above described relevant property.

The Grounds of Appeal as set out in the Notice of Appeal are that;

"That this RV is excessive, inequitable and bad in law. The quantum is excessive when compared with properties of similar function, location and value which have been revised and appealed in recent years"

The appeal proceeded by way of an oral hearing that took place in the Distillery Building, Church Street, Dublin on the 18th October 2002. The Appellant was represented by Mr. Eamonn S. Halpin B.Sc (Surveying) M.R.I.C.S. M.I.A.V.I. and the respondent was represented by Mr. Joseph McBride B.Agr.Sc. MSc.(Planning and Development) ASCS., M.R.I.C.S. M.I.A.V.I., a District valuer in the Valuation Office. In accordance with the Rules of the Tribunal, the parties had prior to the commencement of the hearing exchanged their précis of evidence and submitted the same to this Tribunal.

At the oral hearing both parties having taken the oath, adopted their précis as being their evidence in chief.

The Property

The Property is located in Centre Point Business Park, which fronts Oak Road. Oak Road links the Nangor Road with the Western Industrial Estate. Access is off Oak road on Oak Drive. The property consists of Unit C5, a two storey office building to the front and warehouse to the rear in a secure business park. This is a mid terrace unit in a block of nine units. The front of the building is constructed of forticrete concrete block outer skin, insulated cavity and inner concrete block wall to roof. The rear of the building has an outer skin of insulated cladding with an inner leaf concrete block wall to eaves height of 5.5 metres. The roof is metal deck insulated. The floors and stairs in the offices are concrete. The windows and doors are blue tinted double glazed units. To the rear are a roller shutter door and a steel access door.

Agreed areas

2-storey office (gross external)	163m ²
Warehouse	137m ²
Mezzanine Floor	36m ²
6 marked car spaces to front and rear.	

Valuation History

The Property was revised in November 2001 at RV €14.28. No change was made at first appeal in March 2002.

Appellant's Evidence

Mr Halpin gave details of his case in accordance with his précis of evidence. He set out his valuation considerations as follows:

- (a) The location is on a par with a broad basket of comparisons yet the NAV adopted is higher
- (b) The building is of a basic industrial type construction with concrete block wall and metal deck roof.
- (c) The main comparison relied upon at revision in this case is not directly comparable although close by. It was argued by the Valuation office that these units in Riverview were superior in that they had frontage to the Nangor Road and many had capitalised on this with advertising and showroom areas.
- (d) The NAV adopted is excessive in view of the comparative information particularly the established tone for similar type buildings on the sites in the general area.
- (e) The Commissioner has failed to be consistent in that he has sought to apply a higher level of NAV to the subject
- (f) The Commissioner has failed to maintain the tone of the list and thus has over assessed the subject premises viz. buildings of similar type, size, use and value.
- (g) There has always been a differential applied to industrial units dependent on the headroom in the warehouse. The subject is at the very lowest level (18 foot eaves) that is regarded as acceptable in the modern context.
- (h) The level adopted is high when compared to that of standard office units in the general area. This is particularly so when these units have superior eaves height.
- (i) Many of the units in this estate were vacant when they were assessed.
- (j) The other units in this development (not appealed) do not reflect the best evidence upon which to assess the subject due to (i) being assessed using the some criteria as the subject at the same time (ii) they ignore the already widely established tone of the list of similar properties in the general area.

Mr Halpin assessed the rateable valuation on the subject property as follows:

Est. NAV (1988 tone)

Agreed areas

- | | | |
|----|----------------------------------|--|
| 1. | 2 storey office (gross external) | 163m ² @ €54.66/m ² = €8,910 |
| 2. | Warehouse (18 ft. eaves height) | 137m ² @ €38.95/m ² = €5,336 |

NAV = €14,246
@ .63% = RV €90

A small area of demountable mezzanine is not rentalised. Mr Halpin presented the Tribunal with seven comparisons in support of his valuation, details of which are set out in Appendix 1.

In oral

evidence Mr. Halpin for the appellant said that the relevant property was located between Western Industrial Estate and the Nangor Road. He said it was a small and basic unit. He said eaves height was low and offices plain.

He felt the Commissioner has erred on the high side in valuing the subject property. He submitted that the immediate adjoining valuations, fixed at the same time should not take priority over the established tone of the list. This tone of the list would have been arrived at over numerous appeals and settlements. The revising Valuer generally carries out very extensive research. Mr. Halpin claimed the broad basket of units valued over the years were a better guide than units valued recently. He said that in the case of some of the properties, there were particular reasons for high levels which do not apply to the subject property.

Mr. Halpin claimed that there was a low level of appeals in the estate because of the large number of units that were vacant.

In cross-examination by Mr. McBride for the respondent, Mr. Halpin, agreed that there was front and rear access to the subject property. Mr. Halpin accepted that only eight out of forty four units were vacant.

Respondent's Evidence

Mr McBride said that a total of 44 units excluding Block A were valued in Centrepoint Business Park on 2001/4 Revision. Two appeals were lodged out of the 44 properties valued.

The subject is one of nine units valued in Block C. The areas of the units vary in size with units C2, C8, C3, C7, C4 and C6 having the same areas. The remainder of the units differ in size. Blocks B, D, E and F are similar with first floor offices and ground floor stores. Blocks C and G are similar with two storey offices to the front and warehouse with circa 5.5 metre eaves to the rear. They vary in areas and are arranged in blocks of seven units and are all valued on the same basis. He said that the purchase price in June 2000 was £320,000, (€406,316). Fit out including Mezzanine Floor was £30,000 (€38,092) in 2000.

He assessed the rateable valuation as follows:

Offices Gd. and First Floor	163m ² @ €63.49/m ² = €10,349
Warehouse	137m ² @ €57.14/m ² = €7,828
Mess Floor	36m ² @ €6.83/m ² = €246
Total	NAV = €18,423
RV @ .63% of NAV	= €116.07 say €114.28 (£90)

Mr. McBride gave details of eight comparisons details of which are set out in Appendix 2.

In his oral evidence Mr. McBride stated that the subject property consisted of ground and first floor office sections to front and warehouse at rear. He said it was a terraced property with a 54% office content.

In the estate there were 44 units all valued in the same basis, only eight of these were vacant.

This estate is similar to Riverview built by the same developer and should be valued at the same rate as Riverview. He did not agree with Mr. Halpin's view that the quality was basic.

Mr. McBride stated that eaves height in Riverview is generally lower (at 4.5 metres) than in the subject property, (5.5metres). He said that the first valuation of Riverview was carried out in 1999/4. Of the thirty-six properties valued at the same time, only three were appealed and no change was made to any of the appealed properties.

Findings

The Tribunal has considered the evidence presented by Mr. Halpin for the appellant and Mr. McBride for the respondent and has noted the arguments put forward by them.

The subject property is a new warehouse with offices to the front. This property would attract a certain type of client. It was accepted by Mr. Halpin that this type of building was suitable for companies who use vans as opposed to articulated trucks.

Mr. Halpin presented seven comparisons to the Tribunal, which the Tribunal did not consider to be suitable as some were in a different rating area and others were larger than the subject. Similarly most of Mr. Halpin's comparisons have access only at the front compared to the subject that has access to front and rear. The Tribunal is of the view that the most relevant comparisons offered in this appeal were presented by the respondent.

Determination

In the light of evidence adduced and the comparisons referred to above, the Tribunal concludes that the valuation on the subject premises is fair and reasonable and in line with the tone of the list in the area. However the Tribunal does not consider that a valuation should be placed on the mezzanine. This gives a net annual value of €18,177 and an RV of €14.51. The Tribunal therefore affirms the assessment of the Commissioner of Valuation at €14.28 and so determines.