

Appeal No. VA16/1/007

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

Tallaght Powder Coating

APPELLANT

And

Commissioner of Valuation

RESPONDENT

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

Property No. 467546, Warehouse/Warerooms, L2 Ballymount Industrial Estate (Ground Floor), Ballymount Drive, County Borough of Dublin.

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 31ST DAY OF JULY, 2017

BEFORE:

Stephen J. Byrne - BL

Deputy Chairperson

Orla Coyne - Solicitor

Member

Hugh Markey – FSCSI, FRICS

Member

By Notice of Appeal received on the 5th day of January, 2016 the Appellant appealed against the determination of the Commissioner of Valuation in fixing a net annual value of €74,500 on the above described relevant property on the grounds as set out in the Notice of Appeal as follows:

"The subject property's estimate of net annual value is excessive and inequitable. The subject property is an old industrial unit with a single skin asbestos roof and as such would not be lettable on FRI terms on the same basis as most others in the Ballymount Estate and in other superior industrial parks in South Dublin. Many of the adjoining properties have double skin roofs, many of which have been upgraded to modern insulated metal decks, the subject is, in effect, the most basic form of industrial building available in the market and worth significantly less than superior properties."

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 on the 18th day of April, 2017 adduced before us by Mr. Eamonn Halpin on behalf of the Appellant, who contended for a net annual value of €60,400 (in the Notice of Appeal) and Mr. Dean Robinson on behalf of the Respondent who contended for an amended net annual value of €74,100 having regard to areas agreed between the parties at inspection,

DETERMINES

That the net annual value of the subject property be as set out below:

Offices and Warehouse, Ground Floor, L2 Ballymount Industrial Estate, Dublin 12. Property Number 467546

Offices and warehouse 852.64 sq. m. @ €85 per sq. m.	= €72,474.40
Common Lobby 20.14 sq. m. @ €0 per sq. m.	= €0
Total say	€72,470 (Decrease)

The reason being:

This appeal arises out of a Material Change of Circumstance (MCC) involving Unit L2 Ballymount Industrial Estate, Dublin 12.

The subject of the appeal is a mid terrace, ground floor warehouse and offices.

Basis of Valuation:

This is a revision case and as such, the valuation of the property must be carried out in accordance with Section 49(1) of the Valuation Act 2001. Subsection (1) of Section 49 provides: “(1) 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.” This is commonly referred to as the ‘tone of the list’.

Agreed facts:

The valuers agreed that the areas were:

Level 0 Offices 142.14 sq. m.

Level 0 Warehouse 730.64 sq. m.

And that the lobby area extended to 20.14 sq. m.

The Evidence:

Mr. Eamonn Halpin, on behalf of the Appellant contended for a reduction on a number of grounds viz. the condition and basic nature of the accommodation; the moderate state of repair including the absence of insulation and the fact that the roof had an asbestos covering; the nature of the accommodation being a triple unit and the use of part of the ground floor as a common lobby.

He adduced 3 comparisons within Ballymount Industrial Estate, all of which were valued at €80 per sq.m. for the warehouse and ground floor offices. He introduced further comparisons in Bluebell Industrial Estate and Robinhood Road; valued at €75 and €70 per sq. m. respectively. He introduced a comparison in Naas Road Business Park, outside the rating authority area, to demonstrate that a ground floor lobby was excluded where the ground and first floors were separately assessed.

Mr. Halpin suggested that an appropriate valuation was a rate of €76.50 to be applied to the entire ground floor, less the lobby – a figure of €65,200. He arrived at this level by applying a discount to the applied rate of €85 per sq. m. to allow for the ‘age and quantum issues’.

Mr. Dean Robinson, representing the Commissioner of Valuation, invited the Tribunal to apply a rate of €85 per sq. m. to the entire of the ground floor, including the lobby.

He introduced 7 comparisons, 6 of which are in the same block as the subject of this appeal and assessed at a rate of €85 per sq. m. on ground floor warehouse and offices. His last comparison was of a detached building in Ballymount Industrial Estate valued at €95 per sq.m.

Reasoning:

The Tribunal preferred the evidence of the Respondent’s representative in the matter of the rate to be applied to the warehouse and offices and accepts that the ‘tone of the list’ is represented in the rate of €85 per sq. m. Indeed, the Appellant’s valuer had applied this rate prior to discounting same.

In respect of the lobby area, the Tribunal concurred with the Appellant’s valuer and was persuaded that this lobby was in fact common. Evidence of a pictorial nature was placed before the Tribunal demonstrating that there was access to both the warehouse and the first offices through this lobby. Indeed, the only toilets serving both levels were accessed via this lobby.

Applying this rate to the revised agreed floor areas, excluding the lobby of 20.43 sq m., results in a valuation of €72,474.40, say, €72,470 (Seventy Two Thousand and Four Hundred and Seventy Euro).

And so the Tribunal determines.