

Appeal No. VA90/3/041

**AN BINSE LUACHÁLA**  
**VALUATION TRIBUNAL**  
**AN tACHT LUACHÁLA, 1988**  
**VALUATION ACT, 1988**

**Gretta Boland (Corrib Antiques)**

**APPELLANT**

**and**

**Commissioner of Valuation**

**RESPONDENT**

RE: Shop (Ground Floor) at Lot No. 14/Unit 4 Townparks (St. Nicholas), Lower Dominick Street, Claddagh, County Borough of Galway

**B E F O R E**

**Padraig Connellan**

**Solicitor (Acting Chairman)**

**Brian O'Farrell**

**Valuer**

**Veronica Gates**

**Barrister**

**JUDGMENT OF THE VALUATION TRIBUNAL**  
**ISSUED ON THE 14TH DAY OF MARCH, 1991**

By notice of appeal dated day 24th September 1990, the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £47.00 on the above described hereditament.

The grounds of appeal as stated in the Notice of appeal are that there are no display windows at street level, six steps to the shop creating difficulty carrying furniture. That 50 sq ft of floor area is unusable due to old fixed grindstones. That there would be a loss in trading turnover and the

value of the premises due to a new shopping area opening in Eyre Square and Merchants Road (both designated areas).

### **The Property**

The subject premises comprises a retail outlet and is situated at the ground floor level in the premises known as "Bridge Mills" a restored Mill premises at Lower Dominick Street, Galway City. The premises is approached from the hall at ground floor level and it has a small frontage of 9 ft to the ground floor arcade. It has a net lettable area of some 684 sq. ft.

### **Valuation History**

Prior to the 1989 revision the rateable valuation of the subject premises was £15 and it was referred to as "Mill, store and yard (disused)". Following the 1989 revision each of the units in the refurbished "Bridge Mills" were separately assessed. The subject premises was assessed at a rateable valuation of £55. with the description "Shop (Ground Floor)". This was appealed by the Landlord of the "Bridge Mills" to the Commissioner of Valuation and following negotiations with F.M Fitzgerald & Co., Solicitors, agents for the Landlord, Mr Frank Heneghan, the Commissioner reduced the rateable valuation of the subject premises to £47.00.

### **Written Submissions**

A written submission was received from Mr Michael F. Keogh, B.Agr, District Valuer in the Valuation Office on behalf of the respondent on the 22nd February 1991. In this Mr Keogh said that points raised in this appeal and at First Appeal stage have been taken into consideration in arriving at the determination of R.V. £47.00. He said it is noted that the tenant Mrs Gretta Boland was not a party to the First Appeal. Mr Keogh said that it is understood that Mrs Gretta Boland holds the premises from Mr Frank Heneghan on a short term letting which commenced on 1st October 1989. He said that it is also understood that the tenant pays a rent of £9,360 per annum and that the tenant is liable for Rates and Fire Insurance Premium. He said that the

Landlord is responsible for all repairs and that there is no service charge. Mr Keogh said that following the First Appeal inspection and protracted negotiations with F.M. Fitzgerald & Co., Solicitors, acting as agents for the Landlord, Mr Frank Heneghan, the rateable valuation was reduced to an agreed figure of £47. Mr Keogh attached details of how his valuation of rateable valuation of £47 was arrived at as follows:-

Rent Reserved	£9,360
Adjust for all repairs and maintenance (20%)	<u>£1,872</u>
	£7,488

Rent on the basis of a full repairing  
and insuring letting = £7,500.  
Net Annual Value £7,500 @ 0.63% = £47.25  
**R.V. £47.**

#### **Alternatively**

Net lettable area	864 sq ft @ £11.00 = £7,524
Net Annual Value	£7,500 @ 0.63% = £47.25
	<b>R.V. £47.</b>

Mr Keogh attached a list of 13 premises at the "Bridge Mills" complex in Galway as comparisons.

A Written submission was received on the 5th March 1991 from the appellant. In this precis the appellant states that the main problem with this location are the six steps up from the front door to the shop entrance. She said that these steps make carrying furniture very difficult and also prevent a large number of women with children and prams or buggies from visiting the shop. There are no lifts or ramps to facilitate these people. As a result of lack of sales Mrs Boland said that four tenants have already closed their businesses in the "Bridge Mills" complex. She also added that when the new shopping area is opened in Eyre Square and Merchants Road, there will be a big loss of trading turnover and value of premises. Both Eyre Square and Merchants Road

are designated areas for rent and rates and between them will have approximately 100 new units. Mrs Boland made the point that there are no display windows at street level in the "Bridge Mills" and attached a photograph to substantiate this. As a result she said that people do not realise that there are shops in the building until they enter the front door. She said that most of the other antique shops in Galway City have display windows and that these are a big advantage in the antique business. She said that approximately 50-60 sq ft of the area is unsuitable due to an old fixed grindstone. Mrs Boland attached details and photographs of five other antique shops in Galway City as follows:-

Archway Antiques - R.V. £20.00

Arcadia Antiques - R.V. £12.00

Cobwebs - R.V. £22.00

Claddagh Antiques - R.V. £19.00

Bridge House Antiques - R.V. £44.00

She said that in comparison with these the valuation on "Corrib Antiques" at £47.00 is excessive. She said that "Arcadia Antiques" and "Claddagh Antiques" have been recently restored and both enjoy a much more central location and are of much greater commercial value than the "Bridge Mills". Mrs Boland enclosed a table of comparisons which, she states, shows that the "Bridge Mills" have by far the greatest rateable valuation as a percentage of floor area. With regard to the "Bridge Mills" complex Mrs Boland said:-

1. Until recent renovation works the premises were long disused and derelict. The renovation works carried out in 1988 retained the complete outer structure of the original Mill House and retained much of the inner detail of the premises.
2. The premises is located at the top of Dominick Street which is traditionally one of the poorest commercial streets in the city.
3. The owner of the "Bridge Mills" has been unable to let the premises on thirty five year leases and so all the units in the "Bridge Mills" have been let on short term leases.

4. The only proper comparison that can be made between the "Bridge Mills" and other premises is on the basis of rateable valuation per sq. ft.

Mrs Boland concluded that the ground floor units in the "Bridge Mills" have a rateable valuation which is excessive. She said that although a simple analysis of the comparisons offered by her would suggest that a reduction in the order of 25% would bring the rateable valuation of these units into line with those of the other premises considered, this would totally ignore the far greater letting values of those other premises.

### **Oral Hearing**

At the oral hearing, which took place in Galway on the 12th March, 1991, Mrs Boland represented herself and Mr Michael Keogh represented the respondent.

Mrs Boland in her evidence referred to the location of the premises and the fact that they are not in a designated area. She pointed out that there were six steps leading to the shop which didn't enjoy a display window. The premises suffers the disadvantage of difficulty of access for shoppers with children in buggies and the cost of carrying goods into the shop which necessitates employing two men. She said she was paying £780 rent per month which she has now negotiated at £600 per month. She said that six others of the original tenants have surrendered their lettings because of bad trade and stressed that the area is a very poor trading one. A large mill wheel protrudes into the room and although surrounded by glass causes great cold. She said that there are only seven parking spaces outside the building and that there is only 7' 6" ceiling height in the room. Mrs Boland is responsible for rates and contributes to the insurance.

Mr Keogh, in his evidence, pointed out that the property is unique with 13 units let. He had negotiations with the landlord's agent, Mr Fitzgerald, Solicitor and reached agreement in relation to all units. He submitted that this agreement is binding on the appellant and referred to the

Tribunal's previous decisions in Horgan Meats v. Commissioner of Valuation and Master Credit v. Commissioner of Valuation. He said that £11 per square foot used by him reflects all of the operating difficulties appertaining to this building pointing out that the letting value in Eyre Square would be £40 per square foot and that the corner store in Cross Street has a letting value of £16 per square foot. He referred to three comparisons, namely, (1) Ardree Aluminium, 240 sq. ft., 17'9" frontage at £500 per month, devaluing at £23 per square foot and rateable valuation of £36. (2) William Tyndall, 408 square foot, 17.5 foot frontage at £6,240 per annum devaluing at £16.50 zone A and rateable valuation of £40. (3) Galway Camera Centre, 1,000 square foot, 17 foot frontage at £9,000 p.a. and rateable valuation of £60. Mr Keogh, in dealing with the comparisons submitted by Mrs Boland, said that the "Arcadia" valuation of £12 does not reflect the true valuation and he is not aware if the valuation on "Cobwebs" is new or old because he was not given Mrs Boland's submission in time to investigate these two properties. As for the Bridge House, he said he had personal knowledge of this premises and that he assessed the net annual value at £7,000 and the rateable valuation at £44.

### **Findings**

Having considered the written submissions, the oral evidence and having taken everything into consideration the Tribunal finds as follows:-

- (a) the previous decisions of the Tribunal as cited by Mr Keogh are not apposite because in this case Mrs Boland was a complete stranger to the agreement made between Mr Fitzgerald, Solicitor for the landlord and Mr Keogh, valuer for the Commissioner of Valuation. Under Section 3 subsection 5 of the Valuation Act, 1988 Mrs Boland as owner/occupier has the right to appeal to the Tribunal.
- (b) that the Tribunal determines that the rateable valuation be reduced from £47 to £36.

