

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

Derry Murphy

APPELLANT

and

Commissioner of Valuation

RESPONDENT

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

Property No. 5005415, Store, 1A, 9 and 9A, Unit 9, Kenmare Shopping Centre, Kenmare, County Kerry and Property No. 5005413, Store, 1A, 9 and 9A, Unit 1, Kenmare Shopping Centre, Kenmare, County Kerry.

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 18th DAY OF SEPTEMBER, 2017

B E F O R E:

Niall O’Hanlon – BL

Deputy Chairperson

Liam Daly – MSCSI, MRICS

Member

Dairine Mac Fadden – Solicitor

Member

1. By Notice of Appeal received on the 21st day of December, 2015, the Appellant appealed against the determination of the Commissioner in fixing a rateable valuation of €24 on Property No. 5005413 and a rateable valuation of €30 on Property No. 5005415 (hereafter “the Subject Properties”) on the grounds set out in the Notice of Appeal as follows:

“Unit 9 is a shell unit” “Unit 1 is a shell unit” “NAV square metre being applied is excessive” “Comparables used are not appropriate”

2. A hearing in respect of the appeal took place in the offices of the Valuation Tribunal at Holbrook House, Holles Street, Dublin 2, on the 12th day August, 2016. Mr. John Daly appeared on behalf of the Appellant; Mr. David O'Brien appeared on behalf of the Respondent. The Appellant contended for a rateable valuation of €14.90 on Property No. 5005415 and a rateable valuation of €12 on Property No. 5005413.

The Subject Properties

3. The Subject Properties form part of Kenmare Shopping Centre, which is located on Railway Road, Kenmare, Co. Kerry. The shopping centre comprises a total of nine units with SuperValu being the anchor tenant. The Subject Properties are located on the ground floor of the centre.

The Appellant's Case

4. The Appellant argued that the comparable properties relied upon by the Respondent in arriving at a rateable valuation in respect of the Subject Properties were not appropriate in that the Net Annual Value (NAV) per square metre that had been applied was excessive. Specifically, there had been a failure to take into account the inferior location, layout and condition of the Subject Properties.

The Respondent's Case

5. The Respondent gave evidence that the Subject Properties are capable of beneficial occupation and that they had been valued in line with the other units in the shopping centre. Accordingly, it was argued, the rateable valuations were in accordance with section 49 of the Valuation Act 2001.

The Decision of the Tribunal

6. The Appellant argued that the comparable properties relied upon by the Respondent in determining the NAV were not appropriate. The characteristics of the Appellant's properties were fundamentally different than the other units within the shopping centre. It was argued that the configuration and location of the Subject Properties within the centre impacted on their ability to generate similar rents to the other seven units. The Appellant highlighted that the Subject Properties had inferior window frontage and had poor visibility from the main eastern entrance, thus experiencing a lower level of footfall. It was the Appellant's contention that this needed to be considered when determining the NAV of the Subject Properties.

7. The Tribunal is not persuaded by the evidence adduced on behalf of the Appellant that the location, layouts and condition of the Subject Properties supports a valuation other than that put forward by the Respondent. In particular the Tribunal notes that the Appellant referenced footfall numbers during the course of their evidence but these figures were unsubstantiated.

8. The Tribunal therefore affirms that the valuation of the Subject Properties has been determined by the Commissioner of Valuation in accordance with Section 49 of the Valuation Act 2001.