

**Appeal No: VA17/5/319**

**AN BINSE LUACHÁLA  
VALUATION TRIBUNAL**

**AN tACHTANNA LUACHÁLA, 2001 - 2015  
VALUATION ACTS, 2001 - 2015**

**PATRICK & PAULINE COUGHLAN**

**APPELLANT**

**AND**

**COMMISSIONER OF VALUATION**

**RESPONDENT**

**In relation to the valuation of**

Property No. 1445738, Retail (Shops) at 45AB/1 Austin Friars Street, Mullingar, County Westmeath.

**B E F O R E**

**Stephen J. Byrne - BL**

**Deputy Chairperson**

**Pat Riney - FRICS, FRCSI ACL Arb**

**Member**

**Frank O'Grady - MA, FSCSI, FRICS, FIABCI**

**Member**

**JUDGMENT OF THE VALUATION TRIBUNAL  
ISSUED ON THE 22<sup>ND</sup> DAY OF JUNE. 2020.**

**1. THE APPEAL**

1.1 By Notice of Appeal received on the 10<sup>th</sup> day of October, 2017 he Appellant appealed against the determination of the Respondent pursuant to which the net annual value '(the NAV)' of the above relevant Property was fixed in the sum of €8,050.

1.2 The sole ground of appeal as set out in the Notice of Appeal is that the determination of the valuation of the Property is not a determination that accords with that required to be achieved by section 19 (5) of the Act because : See attached letter

1.3 The Appellant considers that the valuation of the Property ought to have been determined in the sum of €3,000.

## **2. REVALUATION HISTORY**

2.1 On the 12<sup>th</sup> day of January 2017 a copy of a valuation certificate proposed to be issued under section 24(1) of the Valuation Act 2001 (“the Act”) in relation to the Property was sent to the Appellant indicating a valuation of €8050.

2.2 A Final Valuation Certificate issued on the 7<sup>th</sup> day of September, 2017 stating a valuation of €8050.

2.3 The date by reference to which the value of the property, the subject of this appeal, was determined is the 30<sup>th</sup> day of October, 2015.

## **3. THE HEARING**

3.1 The Appeal proceeded by way of an oral hearing held in the offices of the Valuation Tribunal at Holbrook House, Holles Street, Dublin 2, on 10<sup>th</sup> day of April 2018. At the hearing the Appellant appeared in person and the Respondent was represented by Mr Patrick Murphy M.A. (Mgm), BSc. (Surv) ,MSCSI & MRICS of the Valuation Office.

3.2 In accordance with the Rules of the Tribunal, the parties had exchanged their respective reports and précis of evidence prior to the commencement of the hearing and submitted them to the Tribunal. At the oral hearing, each witness, having taken the oath, adopted his précis as his evidence-in-chief in addition to giving oral evidence.

## **4. FACTS**

4.1 From the evidence adduced by the parties, the Tribunal finds the following facts.

4.2 The subject is a ground floor lock up shop unit in a terraced two storey building located on Austin Friars Street, close to its junction with Millmount Road on the outskirts of Mullingar.

4.3 The floor areas have been agreed between the parties at Retail area 37.4 sq.m.

4.4 The property is vacant and is held freehold.

## **5. ISSUES**

5.1 The matter at issue is quantum.

5.2 The Appellant claims that the valuation is excessive, that the premises is unlettable and the rates bill should remain unaltered at €648.00 per annum.

5.3 The Respondent states that he has reduced the original valuation to NAV €6,730 and that it is fair and reasonable and requests the Tribunal to affirm in accordance with the Valuation Acts.

## **6. RELEVANT STATUTORY PROVISIONS:**

6.1 The net annual value of the Property has to be determined in accordance with the provisions of section 48 (1) of the Act which provides as follows:

“The value of a relevant property shall be determined under this Act by estimating the net annual value of the property and the amount so estimated to be the net annual value of the property shall, accordingly, be its value.”

6.2 Section 48(3) of the Act as amended by section 27 of the Valuation (Amendment) Act 2015 provides for the factors to be taken into account in calculating the net annual value:

“Subject to Section 50, for the purposes of this Act, “net annual value” means, in relation to a property, the rent for which, one year with another, the property might, in its actual state, be reasonably be expected to let from year to year, on the assumption that the probable annual cost of repairs, insurance and other expenses (if any) that would be necessary to maintain the property in that state, and all rates and other taxes in respect of the property, are borne by the tenant.”

## **7. APPELLANT’S CASE**

7.1 Mr. Patrick Coughlan acting on his own behalf adopted his precis as his evidence in chief stating that he purchased the building 20 years ago and refurbished it and has been unable to let it despite the fact that three separate Estate Agents were engaged to do so.

7.2 He described the location, the lack of public parking, double yellow lines outside the building and the number of vacant properties in the immediate area. He produced a number of photos to support his case.

7.3 He stated that he had offered the premises to let at €50 per week without success.

7.4 Mr. Coughlan commented on the Sue Ryder property next door which he said was a larger premises and that the lease expired several years ago and also the CASA charity shop nearby had been vacant for 2 years. He also commented that zoning of such a small shop property was unfair.

7.5 He requested the rates remain at the 2017 level in the belief that a tenant could be found and some rates be paid.

## **8. RESPONDENT'S CASE**

8.1 Mr. Patrick Murphy for the Respondent adopted his precis as his evidence in chief and confirmed agreement with the location, description and floor areas.

8.2 He stated that the Final Certificate issued in September 2017 had a valuation of €8,050 and this was reduced to NAV €6,730, to include a discount of 10% for frontage to depth allowance.

8.3 To support his case 4 Key Rental transactions were introduced (Appendix 1) all on Austin Friars Street and all at Zone A rate of €225 /sq.m.

8.4 A further 3 NAV comparisons were submitted (Appendix 2) to establish that the Zone A rate in the general area was €225 /sq.m.

8.5 He requested the Tribunal to affirm the NAV @ €6,730.

## **9. SUBMISSIONS**

9.1 There were no legal submissions.

## **10. FINDINGS AND CONCLUSIONS**

10.1 On this appeal the Tribunal has to determine the value of the Property so as to achieve, insofar as is reasonably practical, a valuation that is correct and equitable so that the valuation of the Property as determined by the Tribunal is relative to the value of other comparable properties on the valuation list in the rating authority area of Westmeath County Council.

10.2 The Tribunal has examined the particulars of the property and considered the written and oral evidence adduced by Mr. Coughlan who contended that rates remain at the 2017 level and Mr. Murphy on behalf of the Respondent who sought confirmation of €6,730 as NAV.

10.3 The Tribunal noted the difficulties mentioned by the Appellant in trying to let the premises over the past years and is aware of the parking difficulties, low footfall etc. however no alternative rental information was supplied to assist the Tribunal.

10.4 The Respondent did produce evidence to support his case and establish that €225 /sq.m. was the rate for Zone A and was also used in the adjoining property.

### **DETERMINATION:**

Accordingly, for the above reasons, the Tribunal disallows the appeal and confirms the decision of the Respondent and affirms the valuation of the property as stated in the amended Valuation Certificate @ €6,730.

And the Tribunal so determines.

Appendix 1 Respondents KRTs

Appendix 2 Respondents NAVs