

Appeal No. VA94/3/042

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

**Huntsgrove Developments**

**APPELLANT**

**and**

**Commissioner of Valuation**

**RESPONDENT**

RE: Gymnasium at Map Ref: 9A/Unit 19, Ashbourne Town Centre, Townland: Killeland,  
E.D. Donaghmore, R.D. Dunshaughlin, Co. Meath  
Quantum - Units in SC, actual market conditions to be considered.

**B E F O R E**  
**Mary Devins**

**Solicitor (Acting Chairman)**

**Veronica Gates**

**Barrister**

**Fred Devlin**

**F.R.I.C.S. A.C.I. Arb.**

**JUDGMENT OF THE VALUATION TRIBUNAL**  
**ISSUED ON THE 27TH DAY OF MARCH, 1995**

By Notice of Appeal dated the 28th day of October, 1994 the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £60.00 on the above described hereditament.

The grounds of appeal as set out in the Notice of Appeal are that:-

"(1) The valuation is excessive and inequitable.

(2) The valuation is bad in law."

**The Property:**

The property is part of a development in Ashbourne Town Centre developed for Huntsgrove Developments Limited in 1991. It was a new development in the Village of Ashbourne which has a hinterland population of 10,000 persons. The centre comprises 18 shop units and a supermarket at ground floor level and 8 office units on the First Floor of which the subject is one. The entrance to the covered Mall separates the two buildings, that is, one comprising three ground floor units and supermarket on ground floor and two office units above, the other comprises the remainder of the development. It is a well built and finished complex with three entrances to the Mall and more than adequate car parking.

The subject premises is located over the shops. The current rent is approximately £6,000 per annum, that is, £8,000 including service charges.

**Valuation History:**

The valuations currently under appeal to the Tribunal were fixed by the Commissioner of Valuation at 1992/4 Revision. No changes were made at First Appeal. The areas were agreed for each unit.

**Written Submissions:**

A written submission was received on the 30th January, 1995 from Mr. Des Killen, F.R.I.C.S. I.R.R.V. a director of Donal O'Buachalla & Company Limited on behalf of the appellant. In his written submission, Mr. Killen described the subject premises as one of a group of offices all of which are located over the shops. He said that the units had a chequered history, varying from the original letting of Unit 19 at £14,000 per annum while none of the others were let until mid 1994 and early 1995. He said that the subject premises is let on a current rent of approximately £6,000 per annum, that is, £8,000 including services charges which figure is well below the respondents estimate of £12,000.

Mr. Killen said that his estimate of the appropriate N.A.V. and R.V. for the subject premises is as follows:-

N.A.V.	£6,045	-	R.V.	£30.00
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A written submission was received on the 2nd February, 1995 from Mr. Patrick McMorrow, B.Ag.Sc(Econ), Dip.Plng. and Devmt. Economics, a valuer in the Valuation Office on behalf of the respondent.

Mr. McMorrow in his written submission described the Centre in some detail and commented on the fact that it had a successful anchor supermarket occupier and a good tenant mix. He outlined the valuation history of the Centre and drew attention to the fact that whilst 26 units were subject to First Appeal only 13 have proceeded to appeal to the Valuation Tribunal.

Mr. McMorrow stated that the primary supporting evidence for the assessments now before the Tribunal was that in relation to other units within the Centre as fixed at the 1992 First Appeal stage. Additional support was to be drawn from the rental evidence and NAV's at Rathoath Shopping Centre and a shop in the Mall at the Broadmeadow Housing Estate. Both of these shopping developments in his opinion were inferior to the Ashbourne Town Centre and the evidence derived from these comparisons indicated that if anything the NAV of the subject unit was low.

Details of his comparisons are set out at Appendix 1.

In relation to the subject premises, Mr. McMorrow, assessed the rateable valuation as follows:-

2,418sq.ft.	@	£5.00 p.s.f	=	£12,090
		Say	=	£12,000
		£12,000 x .5%	=	R.V. £60.00

### **Oral Hearing:**

At the oral hearing which took place in Dublin on the 10th day of February, 1995 Mr. Des Killen of Messrs. Donal O'Buachalla & Company Limited appeared on behalf of the appellant, Mr. Patrick McMorrow represented the respondent. Also present was Mr. Paul Grimes, Auctioneer.

Mr. Killen referred to his written submission and submitted that the rents passing in the initial lettings were too high. To support his argument he gave evidence that the current rent on the subject was £8,000 which included £2,000 service charges, whereas the initial rent achieved was £14,000. He referred to Units 24 & 25 which had failed entirely to let as offices and were currently let as a snooker hall at £13,300 per annum.

Mr. Killen referred also to Unit 26 which remains unlet and seems unlikely to ever be let as offices.

In the absence of any direct comparable letting values, and in this context, Mr. Killen dismissed the first floor letting values of Broadmeadow Shopping Centre and Rathoath Village Shopping Centre as invalid, he submitted that the first floor of the subject development had turned out to be what he described as a flop.

Mr. McMorrow in evidence said that the N.A.V.'s that he had attributed to the first floor premises were reasonable if not indeed modest, in comparison with Broadmeadow and Rathoath, both of which he submitted were much inferior. He accepted that 5 out of the 8 first floor premises were under appeal but submitted that his estimate of N.A.V. was in accordance with the N.A.V. fixed at 1992 First Appeal on the remaining three units. He said that the latter units were the best comparative evidence available.

**Determination:**

The Tribunal notes the absence of any greatly compelling comparative evidence in relation to first floor letting values of a similar nature.

In the circumstances, in attempting to assess N.A.V. for the subject premises, the actual market situation must be considered. The Tribunal accepts the appellant's evidence in relation to the difficulties encountered in letting these first floor units and notes in particular the reduction in current rent on the subject premises from the rent originally achieved in 1991.

Taking into account, therefore, the evidence adduced and the submissions made the Tribunal is of the opinion that the correct R.V. of the subject hereditament is £45.00.

At the oral hearing current evidence was given in respect of four other office units at first floor level and which were also the subject of appeals to the Tribunal.

Details of the four units under appeal are as follows:-

- (1) ***VA94/3/043 - Huntsgrove Developments.***  
Office at Map Ref: 9A/Unit 22, Local No. 4 First Floor, Ashbourne Town Centre.  
R.V. £33.00
- (2) ***VA94/3/045 - Huntsgrove Developments.***  
Office at Map Ref: 9A/Unit 24, Local No. 6 First Floor, Ashbourne Town Centre.

R.V. £37.00

(3) **VA94/3/046 - Huntsgrove Developments.**

Office at Map Ref: 9A/Unit 25, Local No. 7 First Floor, Ashbourne Town Centre.

R.V. £43.00

(4) **VA94/3/047 - Huntsgrove Developments.**

Office at Map Ref: 9A/Unit 26, Local No. 8 First Floor, Ashbourne Town Centre.

R.V. £62.00.

The Tribunal considers the evidence adduced in regard to Unit 19 (VA94/3/042) to apply to each of the above hereditaments and determines in each instance the rateable valuations as set out below:-

- |     |            |   |             |
|-----|------------|---|-------------|
| (1) | VA94/3/043 | - | R.V. £26.00 |
| (2) | VA94/3/045 | - | R.V. £29.00 |
| (3) | VA94/3/046 | - | R.V. £35.00 |
| (4) | VA94/3/047 | - | R.V. £45.00 |