

Appeal No. VA97/6/028

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

Matthew Gleeson

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Shop and land at Map Ref: 55.57.59 abc, Townland: Ardaravan, Town of Buncrana, U.D.
Buncrana, Co. Donegal

Quantum - Zoning method, comparisons

B E F O R E

Liam McKechnie - Senior Counsel

Chairman

Barry Smyth - FRICS.FSCS

Member

Michael Coghlan - Solicitor

Member

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 3RD DAY OF JULY, 1998

By Notice of Appeal dated the 15th day of October 1997 the Appellant Company appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £276 on the above described hereditament.

The grounds of appeal as set out in the said Notice are:

- "1. The valuation is excessive and inequitable;
2. The valuation is bad in law.
3. No account has been taken of the NAV in determining the RV assessment of this hereditament;

4. Not valued in accordance with the Valuation Acts and related legislation".

The appeal proceeded by way of an oral hearing which took place in the District Court, Letterkenny on 19th June 1998. The Appellant Company was represented by Mr. Patrick McCarroll, ARICS ASCS MIAVI. Mr. Damien Curran, ARICS, ASCS, B.Sc (Surv.) and Valuer with 18 years experience in the Valuation Office appeared on behalf of the Respondent.

Prior to the oral hearing, written submissions were received from Mr. Patrick McCarroll on behalf of Mr. Matthew Gleeson., and from Mr. Damien Curran on behalf of the Respondent. At the oral hearing both Valuers adopted their submissions as their evidence in chief given under oath.

From the evidence so tendered the following facts either agreed or so found are considered by the Tribunal to be relevant to this appeal.

The subject hereditament comprises an amalgamation of three adjoining buildings into one large retail unit incorporating furniture, hardware, luxury/electrical sections. It is situated on Upper Main Street, Buncrana and is in good condition with open plan layout.

The areas are agreed as follows:-

Shop	6,400 sq.ft.
Rear showroom	3,100 sq.ft.
Total	9,500 sq.ft.
First floor	5,700 sq.ft.

The recent valuation history is that the premises was revised in the 1995/3 Revision.

Property valued at rateable valuation £275. No change was made at first appeal.

Mr. McCarroll proposed a rateable valuation of £148 as fair and reasonable. He adopted the comparative method of valuation as follows:-

Ground Floor:

Front	2,960 sq.ft. @ £3.00 psf = £8,880
Middle	3,000 sq.ft. @ £1.50 psf = £4,500
Rear	<u>3,540 sq.ft. @ £1.00 psf = £3,540</u>
	<u>9,500 sq.ft.</u>

First Floor:

Bedroom Furniture	1,885 sq.ft. @ £2.00 psf = £3,770
Table display area	1,860 sq.ft. @ £1.00 psf = £1,860
Storage	<u>1,955 sq.ft. @ £0.50 psf = £ 977</u>
	<u>5,700 sq.ft.</u>
	<u>£6,607</u>
	NAV £23,527

Mr. McCarroll's only comparison was Topline Fashions, 2-6 Lower Main Street, Buncrana, determined by the Tribunal (VA92/3/017) on 16th September 1993 at RV £160 reduced from £180.

Mr. Curran on behalf of the Commissioner assessed the RV on the comparative method citing four comparisons, three in Buncrana.

1. **Topline Fashions - VA92/3/017**
2/6 Lower Main Street RV £160
2. **5 Upper Main Street, Buncrana**
RV £85. 1997 Revision RV £85.
3. **32c.34a.36, Upper Main Street, Buncrana**
1st floor office RV £70

4. 13, Diamond, Donegal Town

RV £255.

On the basis of these comparisons he assessed the rateable valuation as follows:-

Retail Area (shop)	6,400 sq.ft. @ £5 psf	£32,000
Rear store/showroom	3,100 sq.ft. @ £2 psf	£ 6,200
First floor	5,700 sq.ft. @ £1 psf	<u>£ 5,700</u>
		<u>£43,900</u>
	@ 0.63%	£276.57
Say £275 RV		

Findings:

In the view of the Tribunal the only useful comparisons is Topline Fashions, 2-6 Lower Main Street, Buncrana. The other comparisons produced by Mr. Curran are of little help because that at 5, Upper Main Buncrana, is too small to compare with the subject, 32c.34a, Upper Main Street, Buncrana comprises first floor offices and a derelict second floor and bears no relationship to a retail premises and the premises at 13, The Diamond, Donegal Town is in too different a trading location to be relevant.

Each of the Valuers analysed the Topline Tribunal decision differently as follows:-

Mr. McCarroll	Floor Area	Mr. Curran
£4.00 psf	Ground Floor 2,960 sq.ft.	£5.00 psf
£2.00 psf	Basement 3,095 sq.ft.	£1.50 psf
£2.00 psf	First Floor 3,185 sq.ft.	£1.50 psf
£0.50 psf	Second Floor 3,466 sq.ft.	£0.50 psf

