

**NORTH LANARKSHIRE COUNCIL  
REPORT**

To: <b>POLICY AND RESOURCES (REGENERATION AND INFRASTRUCTURE) SUB-COMMITTEE</b>		Subject:  <b>22 CRONULLA PLACE, KILSYTH</b>  <b>SALE OF COMMUNAL SHARE WITHIN THE ROOF</b>
From: <b>HEAD OF LAND SERVICES</b>		
Date: <b>5 September 2013</b>	Ref: <b>WP W1</b>	

**1. INTRODUCTION**

- 1.1 The purpose of this report is to seek homologation of the action taken to sell the Council's common interest in part of the roof/roof void to the proprietor of 22 Cronulla Place, Kilsyth.

**2. BACKGROUND**

- 2.1 Mr & Mrs MacFarlane, proprietors of 22 Cronulla Place, Kilsyth have converted part of the common roof void to create additional habitable accommodation. Subsequently, it has emerged that they do not have exclusive ownership of this area.
- 2.2 The roof extension works were undertaken in 2003 with building warrant approval and have since been awarded a completion certificate. The proprietors also obtained a letter of Superiors consent from the Council to the alterations via the Kilsyth housing office. The roof extension has added 2 additional bedrooms with an en suite bathroom.
- 2.3 The proprietor's solicitor has approached the Council regarding this matter, enquiring if the situation could be formalised through conveyance of the appropriate common interests in the larger block at 20/26 Cronulla Place.

**3. DESCRIPTION**

- 3.1 22 Cronulla Place, Kilsyth is an upper flat in a block of 4; where the Council retains ownership of the 3 remaining properties.
- 3.2 The title deeds confirm that the roof and roof void are common property shared amongst the 4 flats.
- 3.3 In order to regulate the title because of the roof conversion, the proprietor of 22 Cronulla Place must acquire the communal shares of that part of the roof void where the works were undertaken.

#### **4. SALE PROPOSAL**

- 4.1 Following negotiations it has been provisionally agreed that the Council offer to sell its share of the common interest in part of the roof void for a consideration of £500. In addition the owners of 22 Cronulla Place will require to relinquish their interest in the remaining part of the roof and roof void above 24/26 Cronulla Place.
- 4.2 The issue of the ongoing maintenance responsibility/access to the roof void and roof will also require to be adjusted to ensure that the Council's position relating to the tenanted property at 20 Cronulla Place is protected. This may involve further transfer of common interests in the roof/roof void area between the Council and the proprietors of 22 Cronulla Place to regularise the position. It is requested that approval is delegated to the Director of Corporate Services in consultation with the Head of Housing Services/Head of Land Services to determine the final arrangements required.

#### **5. CORPORATE CONSIDERATIONS**

- 5.1 Housing Services have secured in principle agreement to vary the existing tenancy agreements with the occupiers residing at No's 20, 24 & 26 Cronulla Place, recognising the intention to sell part of the common roof void.

#### **6. RECOMMENDATIONS**

- 6.1 It is recommended that committee homologate the action taken following consultation with the Convenor as follows:
- a) To regulate the title position on account of works undertaken by the proprietors of 22 Cronulla Place, Kilsyth, the Council sell its communal interest on part of the roof/roof void as detailed within this report.
  - b) All other terms and conditions to be adjusted by the Executive Director of Corporate Services in consultation with the Head of Housing Services/Head of Land Services.



**KENNETH WILSON**  
**Head of Land Services**

Members seeking further information on the contents of this report are asked to contact Mary Anne Robb on 01236 632667.