

**NORTH LANARKSHIRE COUNCIL  
REPORT**

To: <b>POLICY AND RESOURCES (REGENERATION AND INFRASTRUCTURE) SUB-COMMITTEE</b>		Subject:  <b>57 MID BARRWOOD ROAD, KILSYTH</b>  <b>SALE OF COMMUNAL SHARE OF ROOF VOID</b>
From: <b>HEAD OF LAND SERVICES</b>		
Date: <b>5 September 2013</b>	Ref: <b>(ref)/WP W1</b>	

**1. INTRODUCTION**

- 1.1 This report concerns the proposed sale of a ¼ common interest in a roof void to the proprietor of 57 Mid Barrwood Road, Kilsyth.

**2. BACKGROUND**

- 2.1 The proprietor of 57 Mid Barrwood Road has converted part of the common roof void to create additional habitable accommodation before realising that they did not have exclusive ownership of this area.
- 2.2 The proprietor's solicitor approached the Council in August 2009 regarding this matter. Following consultation, the Kilsyth Housing Office indicated that they were opposed to roof conversions in principle and this was intimated in a written response to the solicitor. Subsequently in 2011, when a solicitor for one of the neighbouring residents wrote to the Council, it emerged that the conversion had actually taken place.
- 2.3 The roof extension works were undertaken with building warrant approval and a completion certificate was issued after completion of the works. No planning permission was required for the roof conversion as the installation of velux windows within the roof were considered permitted development. The roof extension has added 2 additional habitable rooms with an en suite bathroom.

**3. DESCRIPTION**

- 3.1 57 Mid Barrwood Road is an upper flat in a block of 4. Including No. 57, 3 of the 4 flats have been sold under right to buy legislation. No. 51 Mid Barrwood Road remains in Council ownership.
- 3.2 The title deeds reveal that the roof and roof void were common property shared amongst the 4 flats. This is despite the presence of a fire wall dividing the roof void into 2 separate compartments.
- 3.3 In order to regulate the titles because of the roof conversion, the proprietor of 57 Mid Barrwood Road must consider acquiring the other communal shares in part of the roof void, including the ¼ share retained by the Council relative to No. 51.

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

- 4.1 Following negotiations with Mrs Margaret Bauld, the proprietor, it has been provisionally agreed that the Council offer their ¼ share in the roof void for a consideration of £500. The purchaser will also be liable for the Council's legal expenses.
- 4.2 The proprietor of No. 57 will also require to reach agreement with the 2 other private owners living in the block in order to fully regulate the title position. This is however a private matter.

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

- 5.1 Housing Services may require varying the existing tenancy agreement with the occupier residing at No. 51 Mid Barrwood Road, recognising the intention to sell part of the common roof void.
- 5.2 The sale of the ¼ share in the roof void has no impact on other Council properties beyond the aforementioned No. 51 Mid Barrwood Road.

#### **6. RECOMMENDATIONS**

- 6.1 It is recommended that:
- a) The Council's ¼ common share in part of the roof void at 51/57 Mid Barrwood Road is offered to the proprietor of No. 57 Mid Barrwood Road based on the terms detailed herein. This sale is in order to regulate the title position in view of the extension works.
  - b) All other terms and conditions to be adjusted by the 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.