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**RESPONSE OF EASTLEIGH BOROUGH COUNCIL  
TO THE REGULATION 28: REPORT TO PREVENT FUTURE DEATHS**

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1. I am the Head of Legal Services for EBC. In the preparation of this response I have spoken with [REDACTED], the Service Director for Planning and Environment. He in turn has spoken with [REDACTED].
2. EBC delivers its Building Control Service through Southampton City Council, in accordance with a Building Control Partnership Agreement between the authorities. Neil Ferris leads that service; he is the Building Control Partnership Manager (MRICS Dip Mgt MCMI Registered Building Inspector - Specialist).
3. This matter relates to a garden wall to a residential property. Building regulations do not apply to the construction of garden walls, therefore it is not uncommon for a variety of wall types to be constructed by developers when building properties. The legal responsibility for the stability of garden walls rests with the initial contractor when building the property, and then the subsequent property owners.
4. When the local authority receives reports of a dangerous structure, including garden walls, the authority may use powers under s77 Building Act 1984. That involves the authority gaining an order from the Magistrates Court requiring the property owner to carry out works to make the structure safe. This tends to be a matter of last resort, as normally owners respond to informal notifications relating to unsafe structures.
5. In response to this death, [REDACTED], the Principal Building Control Surveyor, conducted a survey of the surrounding garden wall types along Kings Copse Road, using the Land Registry extracts provided to Building Control. The

vast majority of these walls appeared to be of robust construction, being one brick thick and with brick and a half piers.

6. Subsequently, the engineer at Hampshire County Council, who gave evidence to the inquest, was contacted. He confirmed the wall which had collapsed was a half brick wall which was 1.9m in height, with one brick thick piers at 3 metre centres. He said the situation was further exacerbated by a timber fence having been attached to the wall, effectively acting like a sail. In his opinion no garden wall of this height and design could be inherently stable when subjected to strong winds.
7. Following this conversation, a wider survey of the surrounding area was undertaken. It is apparent that a large number of houses on Cranbourne Park estate have perimeter garden walls built of a similar design to the one which collapsed, that is being 1.8 to 1.9 metres high, half brick thick and with one brick thick piers at varying centres.
8. These walls are in the region of 40-50 years old. While most of the walls were not showing signs of distress or excessive lean, there was one example of a rear garden wall which had collapsed, possibly as a result of the latest storm.
9. [REDACTED] will be undertaking a letter drop to those houses on the estate which have significant length walls of this design, making them aware of the tragic event, outlining the potential stability issues with this type of wall and advising them to seek advice from an experienced builder or engineer to increase the stability of their wall. The letters will be sent within 21 days of today.
10. As no walls currently show immediate risk and therefore do not require immediate remedial action, EBC proposes to revisit the site in 6 months to determine if that remains the case. Should any wall at that point demonstrate potential instability EBC will follow their usual process set out in paragraph 4 of informal engagement with the property owner, and legal action if that does not result in remedial action.

11. We trust this response is satisfactory. Should any further information be required, the coroner's officer should not hesitate to contact me directly.



Head of Legal Services

18<sup>th</sup> December 2024