

# PARTY WALLS

## a helpful guide

This leaflet is intended to provide a general guide of the requirements of the Party Wall Etc. Act 1996. If you would like further guidance, then please contact Adam Linard, Head of our Party Wall Team whose contact details are set out on the next page.

### WHAT IS THE 'PARTY WALL ETC. ACT 1996'?

The Party Wall Etc. Act 1996 (the Act) is designed to facilitate building works to Party Walls and major works positioned closely to adjoining buildings. The Act only applies to England and Wales and affects all building types.

The Act is intended to enable development in a timely manner whilst protecting neighbours (Adjoining Owners) and occupiers.

### WHAT IS A PARTY WALL?

The Act recognises two main types of Party Wall:

#### PARTY WALL TYPE A

A wall is a Party Wall if it stands astride the boundary of land belonging to two (or more) different owners.

A wall is a Party Fence Wall if it is not part of a building, and stands astride the boundary line between lands of different owners and is used to separate those lands (for example a masonry garden wall). This does not include such things as wooden fences or hedges.

#### PARTY WALL TYPE B

A wall is also a Party Wall if it stands wholly on one owner's land, but is used by two (or more) owners to separate their buildings.

#### PARTY STRUCTURE:

This is a wider term, which could be a wall or floor partition or other structure separating buildings or parts of buildings approached by separate staircases or entrances to apartments for example.

### WHAT WORK DOES THE ACT COVER?

Most work of a structural nature is covered by the Act. Typical examples of notifiable work include:

- Work to an existing Party Wall (i.e. structural repairs, underpinning, raising the wall, removal of a chimney breast and cutting in of steel beams or flashings).
- Excavations in close proximity to another building that go below existing foundations (i.e. new foundations).
- Demolishing or altering a boundary wall (Party Fence Wall).
- Erecting a new wall on or adjacent to a boundary.



## MY PROJECT FALLS WITHIN THE ACT'S REMIT. WHAT SHOULD I DO?

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You must give written notice of the planned work to all affected Adjoining Owners. There may be several owners within one property to consider, including freeholders and leaseholders.

The Notice should state the name of the party planning to have the work done (the Building Owner) and the details of the planned work. It is also highly recommended that you provide drawings of the proposed work.

The Adjoining Owner can then either provide written acceptance or of the work, or written dispute (dissent).

The Adjoining Owner is also deemed to have dissented if they do not respond within 14 days of receiving the Notice.

## DOES THIS HAVE ANYTHING TO DO WITH BUILDING CONTROL AND PLANNING PERMISSION?

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The Act is completely separate to the Building Control and Planning Permission. This means that even if you have Building Control approval or Planning Permission, you must still follow the rules and procedures within the Act.



## WHAT IF A DISPUTE ARISES?

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If the Adjoining Owner dissents to the works, a dispute is considered to have arisen. The Building Owner and the Adjoining Owner must both appoint a Party Wall Surveyor to act for them. The main role of the Surveyor is to prepare/agree a Party Wall Award which details how the proposed work should be implemented.

The same Surveyor can act for both parties (an Agreed Surveyor). Alternatively, each party can appoint its own Surveyor who in turn appoint a Third Surveyor in case they cannot agree the contents of the Award.

## WHO CAN BE A 'PARTY WALL SURVEYOR' ACCORDING TO THE ACT?

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The Act allows anyone to be appointed as a Party Wall Surveyor, however it is strongly recommended that you select someone with appropriate experience; 21110 Consult Limited can provide you with the services of Chartered Building Surveyors who are highly experienced in Party Wall matters.

## WHAT HAPPENS IF I DO NOT FOLLOW THE ACT'S PROCEDURE?

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Ignoring the Act is not recommended and failure to comply with the Act may result in the works being unlawful and may have legal consequences i.e. a court injunction which could halt your building work.

This leaflet is published for general information only and 21110 Consult Limited cannot take responsibility for any loss or damage suffered as a result of the information contained in this document. Adam Linard would be delighted to answer any questions you may have, his contact details are set out below.

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