

PARTY WALLS

A HELPFUL GUIDE

21 10 CONSULT

CHARTERED SURVEYORS &
PROJECT MANAGERS

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, do please call us on 0845 209 9999.

WHAT IS THE 'PARTY WALL ETC. ACT 1996' ("THE ACT")?

The Act is designed to facilitate building work to Party Walls / Party Structures and major excavation work to be carried out close to adjoining buildings. The Act only applies to England and Wales and affects all building types, whether residential or commercial.

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

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 incorporates a wall or floor partition or other structure separating buildings or parts of buildings approached by separate staircases or entrances, eg. flats.

PARTY FENCE WALL

This is a free-standing wall that 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 wooden fences and hedges, etc.

WHAT WORK DOES THE ACT COVER ?

Most work of a structural nature is covered by the Act; minor non-structural work is not covered.

Typical examples of notifiable work include:

- Work to an existing Party Wall (eg. structural repairs, underpinning, raising the wall, removal of a chimney breast and cutting in of steel beams for a loft conversion)
- Excavations (eg. for new foundations) within close proximity (3m / 6m) to another building and which also go deeper than existing foundations.
- Demolishing or altering a boundary wall (Party Fence Wall)
- Erecting a new wall, on or adjacent to a boundary wall



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

You must give written notice of the planned work to all affected Adjoining Owners. There may be several owners within one property to consider; freeholders, leaseholders and tenants with interests of more than 12 months.

Party Wall Notices (Notices) should state the name of the party planning to carry out the work (Building Owner) and the details of the planned work. It is also strongly recommended that you provide drawings of the proposed work to support the Notices.

An Adjoining Owner can then either provide written acceptance of the work (consent) or written confirmation that the matter is in dispute (dissent).

An Adjoining Owner is also deemed to have dissented if they do not respond within 14 days of receipt of a Notice.

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

The Act is separate to any Building Control approval and Planning Permission which means that even if you have these, you must still follow the rules and procedures set out in the Act.



Watch our You Tube Explanation Video on our website

<http://www.2110consult.com/services/party-walls-neighbourly-matters/>



WHAT IF A DISPUTE ARISES ?

If an Adjoining Owner dissents to the work, a dispute is considered to have arisen; the Building Owner and the Adjoining Owner must both appoint a Party Wall Surveyor to act for each of them. In this case, the Party Wall Surveyors will then select a Third Surveyor; the Third Surveyor will be called upon to act should the Surveyors be unable to agree the contents of the Award.

The main role of a Party Wall Surveyor is to prepare and agree / put in place a written agreement (Party Wall Award) detailing how the proposed works are to be implemented including hours of work and any other matters pertaining to the dispute.

The same Party Wall Surveyor can act for both parties (Agreed Surveyor); alternatively, each party can appoint their own surveyor, as above.

WHO CAN BE A PARTY WALL SURVEYOR ?

The Act allows anyone to be appointed as a Party Wall Surveyor, however it is strongly recommended that you appoint someone with appropriate experience; 2110 Consult Limited can provide you with the services of one of our Chartered Building Surveyors, all of whom are highly experienced in Party Wall matters.

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

Ignoring the Act is not recommended and failure to comply may result in the work being unlawful, which can lead to legal consequences such as Court Injunction which could stop your building work.

This leaflet is intended to provide general guidance on the requirements of the Act and 2110 Consult Limited do not take any responsibility for any loss or damage suffered resulting from the information contained in this document. If you would like further information, please contact our Party Wall team.

2110 Consult Limited

Tel: 0845 209 9999

London Office - 6 Bevis Marks, London EC3A 7BA

Harpenden Office - Charter House, Marlborough Park,
Southdown Road, Harpenden,
Herts AL5 1NL