

Philip Goacher Associates

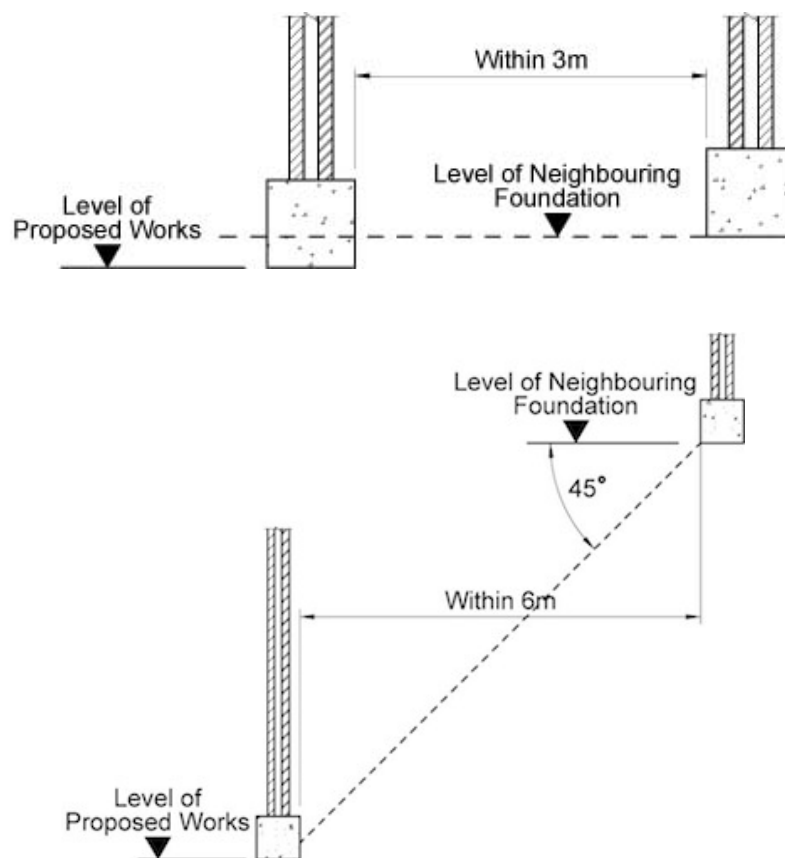
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Party Wall Guide for Building Owners

What is a Party Wall?

A Party Wall is a wall shared between two properties, each being owned by a different person. Before undertaking any works that will affect the party wall such as structural alterations, extensions, rooms in the roof etc certain procedures must be followed, as set out by the Party Wall etc. Act 1996

The Act must also be followed if excavations are planned within 3 or 6 metres of a neighbouring property as per the diagrams below.



Works to shared boundary walls or the construction of a new boundary wall may well require the procedures under the Act to be followed. Some maintenance and repair works also fall within the Act, as do some works to floors and walls between flats.

What is the Party Wall etc. Act 1996?

Party Wall legislation has been in force in London for over 100 years. However, the 1996 Act replaced the older Acts and extended the legislation to affect the whole of England and Wales. The Act enables work to be carried out to a party wall whilst protecting the interests of all parties affected by the work.

Does the Party Wall Act Affect Me?

If you are planning to have building work carried out there is a good chance that some of it may come under the provisions of the Party Wall Act. If your neighbour is planning building work their work may also come under the Act.

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What Procedures do I Need to Follow?

Before undertaking any building works to a party wall, you (the Building Owner) will need to provide your neighbour (the Adjoining Owner) with written notice at least 2 months before commencing the works (or one month for 'Line of Junction' or excavation works). If your neighbour rents the property or only owns a flat in the building, you will also need to inform the landlord or freehold owner of the building. If more than one adjoining property shares the party wall, you will need to inform all affected parties.

If your neighbours consents to the works, they will need to provide you with an agreement in writing within 14 days of the date of the notice. If possible, it is advisable to talk in person with your neighbours prior to issuing the official notice, in order that any potential problems may be resolved and thereby increasing the likelihood of obtaining their consent.

Why do I Need a Party Wall Surveyor?

A surveyor is needed in order to follow the procedures set out in the Party Wall Act and to determine how and when the building work is carried out. This will help to minimise disputes arising between the two (or more) neighbours.

If there is a dispute over the works, or if you do not receive written consent within 14 days of serving a notice, both you and your neighbour will need to appoint a surveyor to act on your behalf. If you wish, you can both appoint the same surveyor, who would then be known as the 'Agreed Surveyor' and would act impartially for both parties.

The surveyor would prepare a document known as a Party Wall Award, which describes in detail the proposed work and how and when it will be carried out. The Award also includes a Schedule of Condition, which records the condition of parts of the adjoining property which may be affected prior to the work being undertaken.

Under the Award the surveyor would be granted access to both properties in order that he can make the necessary inspections during the course of the works.

The Award would also establish who is responsible for funding the building work and Party Wall Surveyor fees. It is usually the Building Owner implementing the works that would pay for all the expenses.

Who can be a Party Wall Surveyor?

Party Wall Surveyors are normally experts in building matters - Structural Engineers or Building Surveyors. Structural Engineers such as those at Philip Goacher Associates, are ideally placed to provide this service as they are aware of the legal issues and understand the construction of buildings. A common sense approach is critical for the rapid and cost-effective solution to Party Wall matters and our years of experience makes us the ideal choice to assist you in your Party Wall dealings.

What we can do for you.

At Philip Goacher Associates we are able to give clear, impartial and expert advice relating to all Party Wall issues.

As mentioned above, we can provide the majority of Party Wall Notices for no charge, all you have to do is fill in the forms that have been emailed to you along with this document and return them to us with copies of the relevant documents. All we ask is that should a dispute arise, we are appointed as the party wall surveyor for any further work required to enable a 'Party Wall Award' to be issued.