



# The Clear Guide to PARTY WALL NOTICES



Party Structure | Adjacent Excavation | Line of junction  
For Homeowners & Landlords



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## Introduction

This booklet offers clear and simple impartial advice and guidance to homeowners and landlords who are required to serve notice(s) for building work under the Party Wall etc. Act 1996.





# What is a party wall notice?

*The Party Wall etc. Act 1996* places a legal obligation on the building owner to inform their adjoining owner(s) in writing prior to the commencement of certain building work.

There are three types of Notices and depending on the proposed building work a combination of the following Notices may need to be served.

1. Party Structure Notice
2. Notice of Adjacent Excavation
3. Line of Junction Notice

You can serve the notice(s) twelve months prior to commencement and legally no less than one or two months before you intend to start depending on the type of building work.



*'A party wall notice is essentially the first cog of the formal process and can be defined as a legal instrument. It should contain enough information so that the recipient can make an informed decision as to how they will respond.'*

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## Party structure notices

A party structure notice is served under section 3 of the Act for works described under section 2.

Typically, these are works that directly impact a party wall or shared structure and include works such as cutting pockets into a wall to insert steel beams, the removal of a chimney breast, cutting in flashings for weathering purposes and insertion of damp-proof course. This also includes more intrusive works such as demolishing and or rebuilding a party wall.

The Notice must be served at least 2 months prior to your intended start date and typically include, the name and address of the building owner(s) and detail of the proposed work and a start date.



*‘Where possible, we advocate first speaking with your neighbour(s) about the proposed project prior to serving notice. If you can address any concerns your neighbour may have you’re more likely to receive written consent.,*

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# Notice of Adjacent Excavation

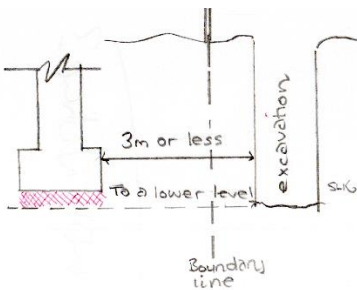
A notice of adjacent excavation is served under section 6 of the Act for excavation either three or six metres and to a prescribed depth.

The notice **MUST** also be supplemented with plans and sections showing the location and depth of the proposed excavation and or foundation

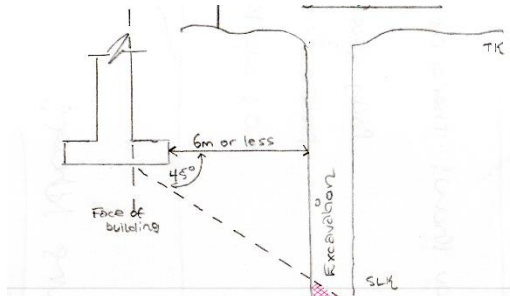
The Notice must be served at least 1 month prior to commencement and must include a statement as to whether or not you intend to

- 1) safeguard or underpin the neighbouring structure
- 2) whether you propose to use reinforcement in your foundation (referred to as a special foundation in the Act).

3 metre rule



6 metre rule



*If your neighbor does not consent to having a special foundation encroaching their land, then you and your designer(s) will need to seek an alternative construction detail.*



## Line of junction notice

Work on the line of junction (more commonly known as a boundary line) is served under section 1 of the Act and covers two distinct scenarios, in both instances the Notice must be served at least 1 month before you start work.

**Construction of a new wall adjacent** to the boundary wholly on your own land. If the adjoining owner does not respond to the section 1 Notice the work may commence when the notice period has expired.

The building owner may also place any necessary footings and foundations (with the exception of 'special foundations', broadly meaning reinforced) under the adjoining owner's land provided that it is 'necessary'.

**Construction of a new wall astride** the boundary is the only type of work covered under the 1996 Act which the adjoining owner can stop. If the adjoining owner does not respond in writing within 14 days, the building owner will have to build the new wall wholly on their land.

Again, the building owner may place any 'necessary' footings and foundations (with the exception of 'special foundations') under the adjoining owner's land.



*Before you start your building work you must legally have either your neighbours written consent or a Party Wall Award (Agreement) in place.*



# Serving Notices

A party wall notice is a legal document and as such must follow a strict criteria to ensure that it is valid.

The government has published a guidance booklet with template examples of notices, although for a modest fee we would always recommend appointing a party wall surveyor to ensure that the notice is legally valid.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/523010/Party\\_Wall\\_etc\\_Act\\_1996\\_-\\_Explanatory\\_Booklet.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/523010/Party_Wall_etc_Act_1996_-_Explanatory_Booklet.pdf)

The three primary modes of serving a party wall notice are:

1. By hand to the recipient.
2. Postal to the recipients usual or last known residence or place of business.
3. If owned by a company, delivery to the clerk or secretary by hand or post to the registered office.

A notice will cease to have effect if the work to which the notice relates has commenced within twelve months of serving notice.



If a property is occupied by the leaseholder or long-term tenant, you will need to notify them as well as the freeholder(s). Therefore, for a house converted into two leasehold flats with a separate freeholder will mean you may be required to serve Notice on three parties.



# What is a party wall dispute?

Your neighbour has fourteen days to respond to your notice. If your neighbour responds and dissents, then under the Party Wall Act a dispute is deemed to have arisen and a surveyor or surveyors need to be appointed to resolve the dispute by means of Award.

At this point your neighbour has the option to either appoint a surveyor of their choosing to represent them or agree on a agreed (joint) surveyor to represent both parties.

If a response to notice is not received within fourteen days, then a dissent is automatically deemed to have occurred, in this scenario you will be required to appoint a surveyor on your neighbours behalf and not able to appoint a joint 'agreed surveyor'.

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***Once appointed, the Party Wall Surveyor(s) role becomes that of Statutory Duty, and they must act impartially to resolve matters.***

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The surveyor(s) will draft and agree on the content of the Award, taking into consideration amongst other any safeguarding measures that may be required to minimise the likelihood of damage to the neighbouring premises.

The Award normally includes a survey of the adjoining owners' property prior to commencement of work, this is known as a Schedule of Condition.

Under normal circumstances as the building owner is benefiting from the work, they will be liable for all reasonable fees. Where work is undertaken at the request of a neighbour then the cost relating to this can be apportioned accordingly.





## Further helpful guides and articles

Visit [www.tksurveyinggroup.co.uk/blog](http://www.tksurveyinggroup.co.uk/blog)

### Recent Posts



Access under s.8 of  
the Party Wall Act  
May 8, 2019



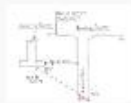
How long does it  
take to get a Party  
Wall Award in place?  
May 6, 2019



Objecting to  
Planning  
Applications  
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The party wall  
process condensed  
April 12, 2019



Party Wall Notices  
February 18, 2019



Damage caused as a  
result of party wall  
works!  
February 2, 2019



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## Who we are

TK Surveying Group are building surveying and construction experts specialising in Party Wall Matters.

As Dedicated Party Wall Consultants and Surveyors we champion industry best practice. Always Impartial and legally compliant with a professional and personable approach.



For impartial advice & guidance  
feel free to contact us



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