



The Clear Guide to

PARTY WALL



Renovations | Shared Structures | Resolving Disputes
For Homeowners & Landlords



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Introduction

This booklet offers clear and simple impartial advice and guidance to homeowners and landlords unsure of their rights and obligations in respect of notifiable building work under the Party Wall etc. Act 1996.

What is a shared structure?

If you live in a terraced or semi-detached house, apartment or commercial premises you will likely share wall(s), floor(s) and possibly partitions with an adjoining owner.



A **PARTY WALL** is typically a wall that is built anywhere on the boundary line dividing the premises of two or more adjoining owners.



A **PARTY STRUCTURE** may be a party wall, partition or floor which divides a premise and where the adjoining has their own front door.



A **PARTY FENCE WALL** is an external wall which is built on the boundary line and is not part the main premise. Typically, a garden wall.

What work is NOT notifiable?

The Party Wall Act relates to specific type of building work that is likely to impact the adjoining premise. For minor works which are unlikely to compromise the structural integrity of the premises or do not disturb the party wall are not notifiable, these include minor everyday works such as fixing a shelf or replacing a plug socket.

What work is notifiable?

Under the Party Wall Act a building owner is required to inform the adjoining owner in writing prior to commencement of certain building work. Other than undertaking work on a shared structure, notifiable also includes the act of excavating depending on how far and how deep you intend to go. Typically, the rights granted for building work to a party wall include:

- Cutting into
- Cutting off projections
- Demolishing and rebuilding
- Exposing
- Thickening
- Underpinning



Other notifiable work includes excavating within three meters and below the level of a neighboring structures or excavating six meters of a neighboring structure and where a line is drawn down at a 45° axis from the bottom of the neighboring foundation and then intersects your proposed excavation.

If you propose to build a new wall on or up to the boundary line this is also notifiable.

What are my responsibilities?

If you planning to undertake a building project that is notifiable under the Act you are required to inform the adjoining owner(s) at least one or two months prior to commencement depending on the type of building work.



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.



If your project includes notifiable excavation or you intend to build a new wall or near the boundary line you are required to serve a written (party wall) notice at least one month prior to commencement. For works to a party wall or other shared structure the notice period is two months.



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.

Prior to commencement of works you must either have your neighbours written consent or a Party Wall Award (Agreement) in place.



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 joint surveyor to represent you both.

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'.

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

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.

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



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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 practise. Always Impartial and legally compliant with a professional and personable approach.



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