

# Philip Goacher Associates

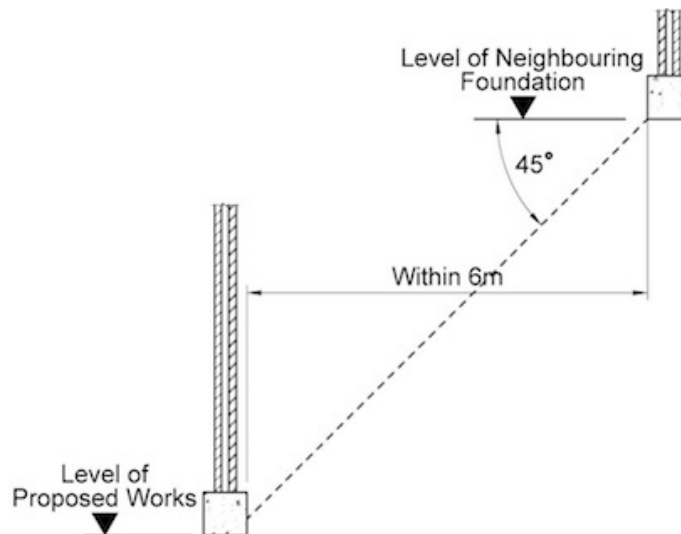
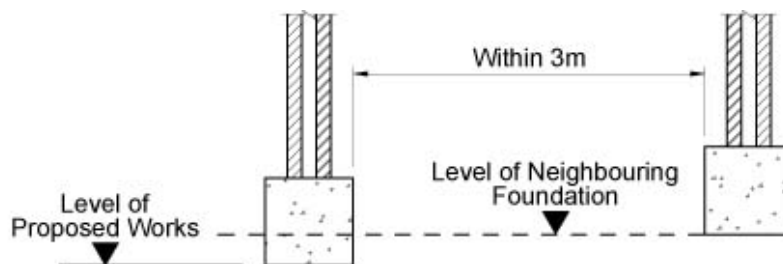
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Park House, 122a Newland Road, Worthing, West Sussex, BN11 1LB

## Party Wall Guide for Adjoining Owners

### What is a Party Wall?

A 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 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 your neighbour is 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.

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## What Procedures do I Need to Follow?

Before undertaking any building works to a party wall, the Building Owner will need to provide you, 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 you rent out the property or own a flat in the building, the Building Owner will also need to inform the landlord or freehold owner of the building. If more than one adjoining property shares the party wall, the Building Owner will need to inform all affected parties.

You have a choice of consenting or dissenting to the works by completing the Party Wall Notice within 14 days of receiving the Notice.

Consenting to the works will allow the Building Owner to continue with the works. Should damage occur to your property you would have to obtain the agreement of the Building Owner that he or his builder is responsible. Disputes often arise in these circumstances.

It is possible to consent on the written understanding that you are consenting only on the basis that a Schedule of Condition is undertaken by an independent expert prior to the works commencing and any damage will be repaired to the independent expert's satisfaction. For small projects this may be satisfactory and we will be happy to undertake the Schedule of Condition. However, you would not then be covered under the Party Wall Act.

We recommend, for your own peace of mind, that you dissent to the works. This will then invoke the Party Wall Act and you will be protected in law should any problems develop due to the Party Wall works.

## Why do I Need a Party Wall Surveyor?

A Party Wall 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 various parties.

If you dissent to the works you should advise the Building Owner whom you have appointed to act as your Party Wall Surveyor. If you wish you can appoint the same Surveyor as the Building Owner who would then be known as the "Agreed Surveyor" and would act impartially for both parties. Alternatively, you can appoint your own Party Wall Surveyor which is normally the case.

The Party Wall Surveyor or Surveyors 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 your property which may be affected prior to the work being undertaken.

Under the Award the Party Wall Surveyor or Surveyors would be granted access to both properties in order that he/they can make the necessary inspections before the works commence, during the course of the works and on completion as appropriate.

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 who would pay for all the expenses.

## 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.

We can provide you with an expert Party Wall Surveyor to act as your Surveyor to ensure your rights and your property are adequately protected under the Party Wall Act during the building works.

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## What do I do next?

Should you wish to proceed, please complete the form and return it either by post or email with a copy of the Party Wall Notice if you have received it. Alternatively, please telephone us on **01903 217723** for further advice.