

party wall

Introduction

You may need to consider *The Party Wall, etc. Act 1996* if you want to carry out works adjacent to your boundary. This formalises the previous situation that was based on Common Law. The system is based on the procedures that have been in force in Inner London since the early 1930's. Party structures can be walls or floors and the Act could affect you in a number of ways. The first is if there is any work to an existing party wall or floor and secondly if any modifications to the foundations are to be below the level of the adjoining properties under the 3 and 6 metre rules.

The Party Wall etc Act 1996

This is important for all owners and occupiers of property where building works are about to be carried out. It received Royal Assent on 18 July 1996 and came into force on 1 July 1997.

The Act applies throughout England and Wales, and repealed almost all the local Act provisions relating to party walls.

Until this Act was introduced, except for Inner London, the rights and obligations of property owners were matters to be dealt with mainly under Common Law. Work which took place on boundary walls, or work which was close to the boundaries and which might have physically affected nearby structures on adjoining land, or work which involved interfering with walls

shared between properties, was something that neighbours agreed or disagreed about as the case might be. Objections and complaints tended to be referred to Solicitors, which made for bad relations, expense, and work being delayed or interrupted.

Now the law requires building owners who intend to carry out work to notify owners and occupiers of adjoining property in good time before any work is started. This means that any misunderstandings or disagreements concerning the proposed work can be identified early and hopefully resolved. Although the legislation places immediate obligations and expense on the owner who wishes to carry out the work, it is even-handed in that it protects the rights of the owners and occupiers on both sides of the boundary.

The Act sets out procedures which, although relatively straightforward, can be time consuming and must be followed precisely.

If you are a building owner intending to have work carried out, you might be required by law to serve notices on adjoining owners. DLP Design Ltd can be appointed to act for you as Party Wall Surveyor in such situations, dealing with notices and negotiating agreements on your behalf.

If you are a building owner who receives notices from an adjoining owner, you might need to appoint a Party Wall Surveyor, and again we can act for you in this capacity to look after your interests. In this case the building owner who has served that Party Wall notice on you will be responsible for paying the fees of your surveyor.

These procedures not only protect the rights of property owners and ensure work is properly carried out, but also avoid disputes, which can be costly and cause irreparable damage to neighbourhood relationships.

Further Information

If you think that this may apply to you we would be happy to provide you with further details on the implications of the Act and how it may affect you.

