



Useful information & FAQ's

1. WHAT IS THE PARTY WALL ACT?

In 'built up' areas and where buildings share party walls or are built close together certain building works can adversely affect neighbouring properties.

[The Party Wall Act](#) is designed to enable such works to be carried out and gives the person who wishes to carry out work a number of rights, including rights to do work to party walls and rights of access onto neighbouring land. The Act also imposes obligations that are designed mainly to protect Adjoining Owners from harm, damage or loss. The Act specifies what type of works are covered. If you have received a Notice under the Act this is because your neighbour, or the owner of a neighbouring property, proposes to do work of this nature.

Adjoining Owners are normally the owners of surrounding properties but if certain work is done to apartments (See section 6 below) the Adjoining Owner can also be the owner of the flat above or below.

An Adjoining Owner is normally a freeholder, leaseholder or long term tenant. Short term rental tenants are not normally Adjoining Owners as defined by the Act.

A wide range of work is covered by the Act but common items and some of the issues that arise are listed below.

2. MY NEIGHBOUR IS PROPOSING TO UNDERTAKE WORKS. HOW MIGHT I BE AFFECTED?

This depends on what is proposed. The following are common examples. If the works do not fall into these categories please [contact us](#)

a) Loft Extensions

These normally involve cutting into the party wall for beams. The act of doing this can damage the wall and there are also additional loads imposed. Some loft extensions are dormers set away from the party wall. In others the Party Wall itself is raised to maximise internal area. Both of these are satisfactory solutions. However, a 'compromise' that is often conceived to save costs or to avoid planning control, is to build a large 'box dormer' with a tiled lightweight wall on the parapet. This design can give rise to problems as rainwater is diverted onto the neighbour's roof. It also makes it difficult for the neighbour to later make a full width loft extension. We try to discourage loft extensions of this type.



b) Rear or Side Extensions

If your neighbour proposes to build a side or rear extension you may be concerned at the over- shadowing effect and loss of daylight. These are not matters that are controllable under the Party Wall Act. They are matters that should be considered by the local authority when granting planning permission. See also the section of our web-site relating to Rights of Light.

With side or rear extensions damage can be caused by the excavation required for foundations if this excavation is deep and close to the foundations of a neighbour's building. In this case the excavation must be executed with special care or in accordance with an approved methodology to minimise the risk of undermining the foundations of the neighbours building.

With rear and side extensions access is often required onto neighbouring land to build. The Act gives a person doing such work a right of access in many circumstances but this right cannot be exercised without rules and precautions designed to ensure that surfaces, plants etc. are protected. These rules and precautions would be included in a Party Wall Award.

New walls built along boundaries can either be built wholly on the property of the person undertaking the work, or, by agreement the wall can be built as a Party Wall astride the boundary. In this case the wall will normally project about 105mm (4 inches) over the boundary line.

It is often a good idea to agree to a Party Wall. A small area of land is used but the neighbour would have the right to use the wall that is built and would also have some say as to the height and finish of the wall.

If space is really tight and the neighbour has no intention ever to use the wall it can then be built wholly of the property of the owner. (Even if the present neighbouring owner does not plan an extension a Party Wall may suit future owners and save them expense. This may make the neighbour's property more attractive to a potential purchaser).



c) The Demolition of a Connected Property

Terraced or semi detached properties that share a Party Wall often rely on one another for support so if a building is wholly or partially demolished precautions must be taken to protect the stability and integrity of the Party Wall. Damage can also be caused by the vibration associated with large scale demolition. Party Walls that were previously internal and which are exposed by demolition must also be protected against the weather.



d) Internal Works

Internal work such as removing certain internal walls, inserting beams and cutting away chimney breasts are covered by the Act and require notice because they have the potential to cause damage to neighbouring properties. Internal floors or walls can also contribute to the stability of a Party Wall so their removal must be considered carefully. The removal of Chimney breasts is particularly important as this gives rise to a number of considerations:-



- Noise insulation and fire protection (the remaining wall behind a removed stack may not provide necessary resistance to noise and fire).
- Support of any residual Chimney Stack. (If a chimney breast is removed any stack above must be properly supported or the Party Wall may be eccentrically loaded which can cause damage).
- Integrity of any remaining flues (If there are remaining flues on the neighbour's side these can easily be damaged mechanically or by vibration. In this case the flue lining can fail and flue gasses can escape. These can include lethal Carbon Monoxide if the flue is used for a gas burning appliance).

e) Excavation For New Basements

This type of work inherently has a high risk of causing the most severe type of damage and the risk is most acute if the buildings are attached (as in a terrace or semi-detached pair) and if the work involves the underpinning of the Party Wall. Whilst it is of course essential that this type of work is properly designed by a Structural Engineer who has all necessary information, the principle risk of damage arises from the execution of the building work as only a small amount of movement can cause extensive and costly structural and decorative damage. It is essential that this type of work is carried out by a skilled and experience operative and that it is properly supervised. Where this type of work is proposed an appointed Party Wall Surveyor will ensure that all necessary precautions and procedures are required to minimise the risk of problems arising from the works.

f) Works to Flats Affecting Neighbouring Flats

Various works fall into this category but the most common is where walls that support separating floors above are removed and new structural beams are

installed. This work falls under Section 2(2) (a) of the Act. The most extreme and relatively common example of this is where the owner of a ground floor flat in a normal “L” shaped terrace removes the side and rear walls of the back addition to create a large open living space with a side infill and rear extension. This involves temporarily supporting the building above, demolishing the existing walls then transferring the load onto the new structure. When this type of work is undertaken extreme care is necessary to control the methodology to minimise the risk of any movement occurring during the transfer of load onto the new structure as any slight settlement can cause severe and structural and decorative damage to the flat above.

2. I AM PROPOSING TO DO SOME BUILDING WORK. WHY SHOULD I SERVE A NOTICE?

There are a number of good reasons:-

- To progress works without notice is an offence
- The Act gives you many rights to enable you to progress your works including rights of access onto a neighbour's property.
- If you fail to give proper notice you will be denying your neighbour the protection that is an entitlement under Law.
- If you fail to give proper notice you will be opening yourself up to potential claims (if a neighbour claims that damage has been caused by works and the matter goes to court the court will not look sympathetically on an owner who has ignored his duties and the benefit of any doubt may go against that owner).
- You will probably be asked for evidence of a Party Wall agreement by any future potential purchaser and the absence of this may prejudice a future sale.
- A Party Wall Surveyor can often, through experience, anticipate and therefore avoid problems and identify opportunities that can enhance and add value to your development.

Many people are concerned that by serving a notice they are opening themselves up to potentially large costs in surveyors fees. To Avoid this you can obtain a firm quotation from a surveyor from the onset (This firm is always willing to offer a fixed fee for a known scope of work. You are advised to avoid surveyors that will only quote an hourly rate).

You can serve notice yourself (we provide [Free of Charge Notices](#)) or we can prepare notices for you for a small charge, in this case we would verify ownership by a Land Registry search.

3. WHAT DOES A PARTY WALL SURVEYOR DO?

If required the Party Wall Surveyor can analyse the proposed works and prepare and serve the necessary notices. (If the work is not complex the owner can do this using our [Free Notices](#) .

When appointed following notice a Party Wall Surveyor will:-

- Study the Design and liaise with the designers and engineers to ensure that the design objectives are achieved whilst minimising any adverse effect on the neighbours and maximising any potential opportunity by liaison with the neighbours (i.e. perhaps the agreement of a shared Party Wall)
- Make a detailed (written and photographic) Schedule of Condition of the Adjoining neighbour's property.
- Prepare a Party Wall Award - This lists the proposed works, and any necessary precautions, includes any restrictions. If access is required onto neighbours land the Award will include limitations and special precautions. A signed copy of the Award is given to both owners before the works start.

During the works the Party Wall Surveyor may inspect the works and the surveyor will be available to review any problems. If damage is caused the Surveyor will certainly be involved and will judge what remedial work is necessary.

When the works are completed the Party Wall Surveyor will re-inspect. If all is completed properly and there has been no damage we always issue a Certificate of Inspection a copy of which is sent to both owners.

4. MY PROPOSED WORKS ARE VERY SIMPLE AND I HAVE A GOOD RELATIONSHIP WITH MY NEIGHBOUR. CAN I SAVE SURVEYOR'S FEES BY HAVING AN AGREEMENT?

Yes, if your works are simple you do not need to have a Party Wall Award. A [Party Wall Agreement](#) gives your neighbour equal protection. but you do need to serve a Notice. Click on this link for [more information](#)

5. WHAT SHOULD I DO IF I RECEIVE A NOTICE?

If you receive a notice you have two weeks to respond. You can do one of two things:-

a) Agree or Consent to the Notice.

In this case the person doing the work can proceed without further process and no party wall surveyor is appointed and no Award is made. This option should be considered if the works are minor and the risk of any damage or problem being caused is small. We recommends consents for minor domestic works (i.e. loft extensions and rear extensions (if there is not any wide, deep and close adjacent excavation). In these cases a [Party Wall Agreement](#) can be made subject to conditions or undertakings, most important of which is that a Schedule of Condition is prepared by an independent surveyor. We do not recommend consenting if your building is to be underpinned (this is where concrete is placed below the existing foundations) or if the extent of adjacent excavation gives rise to a significant risk of undermining. See the following web page for more information on a [Party Wall Agreement](#)

b) Dissent to the Notice and appoint a surveyor. -

This can be the same surveyor as the person doing the work (called the Agreed Surveyor) or a different surveyor that you can choose. In either case the surveyors' fees are normally paid by the person doing the work. If you appoint a Surveyor from this practice we guarantee that we will charge you no fees whatsoever in any circumstance.

We recommend that you contact us, or another surveyor, before signing any acknowledgement.

6. HOW DO I CHOOSE A PARTY WALL SURVEYOR?

You should choose a surveyor who (a) has relevant qualifications, (b) is experienced and (c) is based relatively locally.

Robert Watson of this practice is a Chartered Member of the Royal Institute of British Architects and all our Surveyors are qualified and Member of the Faculty of Party Wall Surveyors. We have been practicing as specialist Party Wall Surveyors for over twenty five years. We are based in London SW4 and undertake work within the M25 and occasionally further afield in respect of larger projects.

If you are located outside our area of operation call us and we will recommend a qualified surveyor in your area if we know one. Alternatively you can locate a surveyor of the FPWS web site [Click here to search](#)

7. WHAT SHOULD I DO IF MY NEIGHBOUR STARTS WORK BUT DOES NOT GIVE ME A NOTICE?

It is a legal requirement to serve a notice on neighbouring owners before starting works that are defined as notifiable under the Party Wall Act. If your neighbour appears to be starting such work without notice you should first contact your neighbour in case your neighbour is unaware of the need to serve notice. If works are continued without a notice being served the person doing the work is breaking the law and you will lose much of the protection that you are entitled to receive under the Party Wall Act. In this case you should consult, in the first instance, a Party Wall Surveyor. We will be pleased to advise you. If a person undertaking work refuses to issue a notice and continues to undertake works then you may need to take legal advice. In most cases a court injunction can be obtained to stop the works. This is of course a last resort and should be avoided if at all possible.

For more information or advice contact us. [Click here to request advice](#) or to refer to the [Government's Advisory booklet](#).

Watson Woods Partnership - Party Wall Surveyors
The Courtyard, 286 Upper Richmond Road
London SW15 6TH

tel: 020 8788 7128
e-mail: surveyor@partywall.info

