



# Party Walls

A QUICK  
GUIDE

# A QUICK GUIDE TO PARTY WALLS

Are you planning to carry out building works or make alterations to your property that affect a party wall? Or are you a neighbour affected by such works? If so, it is important to understand your rights and obligations under The Party Wall Act.

As specialist RICS building surveyors and experienced party wall surveyors in London, Squarepoint Chartered Surveyors provide clear and cost-effective guidance to help you manage your party wall obligations, starting with our free Quick Guide To Party Walls.

## What is a Party Wall?

A party wall is a shared structure separating properties belonging to different owners. This is typically a wall shared between semi-detached or terraced houses but could also be a ceiling or floor in the case of apartments, or a garden wall built astride a boundary. Where a wall is shared between two different sized buildings, typically only the part that is used by both properties is considered to be the party wall, with the remainder belonging to the owner on whose land it stands.

## What is the Party Wall Act?

The Party Wall Act 1996 applies to houses in England and Wales and sets out a clear process to be followed for building works affecting a party wall. The Act is designed to minimise or avoid neighbourly disputes by ensuring owners notify their neighbours before works are carried out. While permitting owners to carry out 'notifiable' works, it also safeguards the interests of adjoining owners. Failure to comply with the legislation can lead to financial penalties and building delay.

Which notifiable works do I need to tell my neighbour about?

Notifiable works, according to the Party Wall Act, fall into three categories:

- Building on or at the shared boundary
- Making alterations to an existing party wall or structure
- Digging below and near to the foundation level of the neighbouring property

Specific works would include the insertion of a damp proof course, inserting beams as part of a loft conversion, underpinning a party wall as part of a basement extension, removing a chimney breast attached to a party wall, or raising, demolishing and rebuilding a party wall.

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## What is a Party Wall Notice?

The building owner is legally obliged to serve Notice on all adjoining owners in writing at least 1 or 2 months (depending on the works) before the planned start date. Notices are valid for 12 months. On receipt of a Notice, adjoining owners can:

- Consent (in writing) to the works going ahead as described
- Dissent and appoint a party wall surveyor
- Dissent and issue a Counter-Notice, setting out certain conditions to be met

## What is a Party Wall Dispute?

If the adjoining owner does not consent within 14 days of receiving the Notice, a party wall dispute is deemed to have occurred. An agreed party wall surveyor (or separately appointed party wall surveyors) must be appointed to resolve the dispute by preparing a Party Wall Award. If the proposed works start before or without the required Notice being given, adjoining owners can seek redress through the courts.

## What is a Party Wall Award?

A Party Wall Award, also known as a Party Wall Agreement, is a legal document drafted by the appointed party wall surveyors and sets out the rights and responsibilities of the building owner and adjoining owner(s) by way of resolving a party wall dispute. The Award describes the works to be carried out along with the timing and manner in which they are to be completed.

The Award will typically also include a Schedule of Condition of the adjoining property before any relevant works commence, which can later be used as a point of reference if the party wall works cause damage.





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## When Do You Need a Party Wall Surveyor?

If you are planning to make alterations to your property that are classed as 'notifiable' works under the Party Wall Act, we would strongly recommend that you have your plans checked by our experienced party wall surveyors before proceeding with the build.

If Notice needs to be served, we have the detailed knowledge and expertise to help you draft legally valid Notices and serve them correctly on adjoining owners, as required by law. Please be aware that if the Notices or the manner in which they are served are deemed invalid, then any subsequent action is also invalid.

Each owner will appoint a party wall surveyor, who may be a single 'agreed' surveyor to act for both parties, or separately appointed surveyors to act for each party individually. If no agreement can be reached, a third surveyor may have to be appointed to settle the dispute by making an Award.

## Who Pays for the Party Wall Surveyor?

Generally speaking, the building owner will be liable for all expenses of work and reasonable costs incurred by all parties as a result. This includes the surveyors' fees for both the building owners and adjoining owner(s) and the preparation of the Party Wall Award. It is therefore in the building owner's interests to ensure that the party wall process is fully complied with and runs as smoothly as possible.



## Contact Squarepoint Chartered Surveyors



For specific advice and guidance on any party wall-related matters, please get in touch with our capable team of Party Wall Surveyors in London.

We are full members of the Faculty of Party Wall Surveyors and the Pyramus & Thisbe Society.



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