

Why should I appoint a Party Wall Surveyor ?

The Party Wall Act is there for your protection. Appointing a party wall surveyor will ensure that your interests are represented.

A Party Wall Surveyor will agree when and how the work is carried out and record the condition of the property before the work begins.
(So that any damage can be rectified by those undertaking the works.)

Below are some examples of where a Party Wall Award may need to be agreed :



What does the Act say if my neighbour wants to carry out building work ?

If your neighbour intends to carry out building work which involves one of the following categories :

- Work on an existing wall or structure shared with another property
- Building a free standing wall or a wall of a building up to astride the boundary with a neighbouring property.
- Excavating near a neighbouring building.

What do I do if my neighbour starts work and I have not received a Party Wall Act notice ?

The Act contains no enforcement procedures for failure to serve a notice. However, if your neighbour starts work without having first given notice in the proper way, you may seek to stop the work through a court injunction or seek other legal redress. You may wish to take professional legal advice before commencing such action.

What rights do Adjoining Owners have ?

Adjoining Owners' rights are described in Part 4 of this booklet. They include the right to :

- appoint a surveyor to resolve any dispute;
- require reasonably necessary measures to be taken to protect their property from foreseeable damage;
- not to suffer any unnecessary inconvenience;
- be compensated for any loss or damage caused by relevant works;
- ask for security of expenses before you start significant work so as to guard against the risk of being left in difficulties if you stop work at an inconvenient stage.

Who pays the surveyor's fees ?

The surveyor (or surveyors) will decide who pays for drawing up the award and for checking that the work has been carried out in accordance with the award.

Usually the Building Owner will pay all costs associated with drawing up the award if the works are solely for his benefit.

What if I cannot reach agreement with my neighbour ?

Where the proposed works are minor and/or not intrusive on your building or land, you may have only minor objections that you cannot agree or perhaps simply want time assurance that the correct procedures are followed.

In these circumstances, and particularly in residential circumstances, and particularly in residential circumstances where surveyors fees would significantly increase the project costs, the appointment of an agreed surveyor to resolve the dispute is preferable, especially so if the proposed surveyor is not otherwise involved in your neighbour's project.

What does the Act say if I want to excavate near neighbouring buildings ?

If you plan to:

- Excavate, or excavate and construct foundations for a new building or structure within 3 metres of a neighbouring owner's building or structure, where that work will go deeper than the neighbour's foundations.
- Excavate, or excavate for and construct foundations for a new building or structure, within 6 metres of a neighbouring owner's building or structure, where that work will cut a line drawn downwards at 45 degrees from the bottom of neighbour's foundations.

Note that for the purposes of section 6 of the Act " Adjoining Owners" may include your next but- one neighbour if they have foundations within 6 metres.

