

<b>Building Control Guidance Note</b>	Subject	<b>Party Wall Act 1996</b>							
	Issued	October 2021	Rev	A	Page	1	of	3	Ref GN11

The Party Wall Act came into force on 1st July 1997. It is intended to prevent disputes between neighbours arising about party walls and boundaries, which may otherwise end up in court. It sets down a procedure for consultation before work starts.

The Act contains provisions relating to the construction and repair of walls on the line of the junction between adjoining properties and adjacent excavations and construction.

**These are matters of private law between the owners concerned.** The Council cannot enforce the Party Wall Act. The Council only has powers under Planning or Building Regulations approval, which is different legislation.

### What is a Party wall?

A party wall is either

- a. Stands astride the boundary of land belonging to two or more different owners, or
- b. Belongs totally to one owner but is used by two or more owners to separate their buildings.
- c. "A party fence wall" (e.g. garden wall) is not part of a building, and stands astride the boundary of land belonging to two or more owners. It is used or constructed to be used for separating adjoining lands.

The act sets out the rights and responsibilities of adjoining owners.

### Existing Walls

In the case of existing party walls or "party fence walls", a building owner is given various rights under the Act to repair or to conform with statutory requirements.

A notice must be served on the relevant adjoining owner(s), with details of the proposed work not less than **two months** before the date on which the work is to begin. The notice will need to be given again if the work has not started within twelve months.

On receiving the notice the adjoining owner may, within fourteen days serve a counter notice- requiring specific additional works reasonably needed for their convenience. This must be complied with by the building owner. If an adjoining owner does not reply to the written notice within fourteen days, it is deemed a dispute has arisen.

### New walls and adjacent excavation and construction

If a building owner wishes to build a new party wall or "party wall fence" on the line of the boundary, they **must give the adjoining owner one months written notice.**

If the adjoining owner **gives consent** the wall may be built half on the land of each owner or in such a position as they both agree.

If consent is not given the building owner may only build the wall on his or her own land. (Owners wishing to build in this situation should take care not to build any foundation on an adjoining owners land without their permission.)

Provision is made for the settlement of disputes by involving a Surveyor.

### Excavations

A building owner who proposes to excavate and/or build within three metres or in certain circumstances, six metres of any building or structure of an adjoining owner may be required by the adjoining owner to underpin, strengthen, or safeguard the foundations of the adjoining owners building. (This work may require Building Regulation permission as well.)

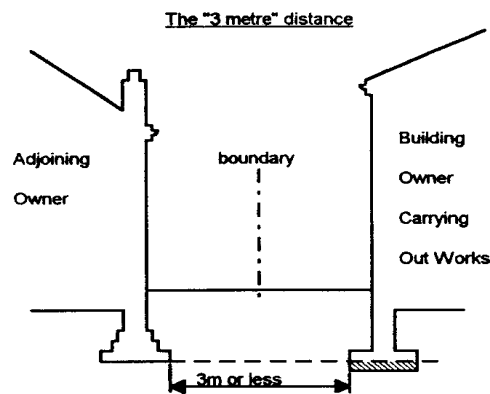
At least one month's notice of the proposals must be given to the adjoining owner and if the adjoining owner does not give their written consent within fourteen days a dispute shall be deemed to have arisen under the act. (See diagram for explanation of the 3-metre distance and 6-metre distance)

### Disputes

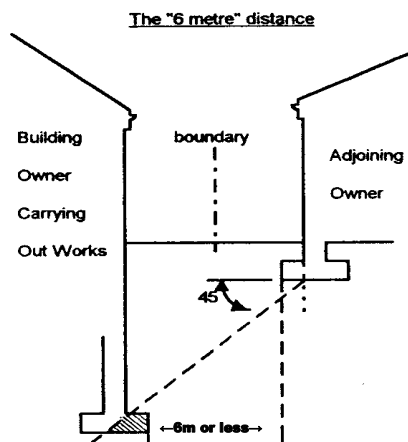
If a dispute occurs then the persons involved can appoint a Surveyor by agreement to help settle the dispute or they can each appoint a Surveyor to act for them. The Surveyor(s) will draw up an "award" laying out how and when the work can be carried out.

### Summary

1) If you are undertaking work to an existing party wall or fence then you should obtain the adjoining owners permission in writing. Works include extending, underpinning, re building, repairing, reducing or cutting into an existing wall.



Note: The boundary may be in any position between the two buildings



Determination of distance between owner carrying out works and adjoining owner

2) If you are building a party wall or fence, which affects the adjoining owners land, then you need the adjoining owners permission in writing.

3) If your work involves:-

a. excavating or constructing foundation for a new building / extension within three metres of a neighboring owner's building if the work will go deeper than the neighbour's

or

b. excavating or constructing foundation for a new building / extension within six metres of a neighboring owner's building where that work will cut a line downwards at 45° from the bottom of the neighbours foundations.

In all the above cases you need to notify the adjoining owner in writing in advance. A written notice of the intended building work must be sent to all relevant adjoining owners. This notice should include full details and the proposed starting date.

In the case of: -

- 1) above - Two months
- 2) above - One month
- 3) above - One month

### **Further Information**

An explanatory booklet on the "Party Wall Act 1996" can be obtained from us or via the Communities and Local Government website:

<http://www.communities.gov.uk/publications/planningandbuilding/partywall>

*This note is not an authoritative interpretation of the law and owners wishing a fuller explanation should take advice from a suitably qualified Party Wall Surveyor or legal expert*

Note;

Further information can be obtained from The Building Regulations 2010 or from the Council's Building Control Service on request. The views expressed in this document are those of East Midlands Building Consultancy and do not necessarily represent a guaranteed methodology for compliance with the requirements of the Building Regulations 2010. East Midlands Building Consultancy accepts no liability for any claim that may arise in relation to reliance on the information contained in this document.