

What we do

Leo Horsfield Surveying Ltd is a Chartered Building Consultancy with offices in Brighton and London. We specialise in Party Wall Matters and undertake work nationally under The Party Wall etc. Act 1996 in respect of domestic and commercial construction work. We have acquired vast experience in helping owners to deal with party wall issues efficiently and effectively.

Previous clients include property developers, landlords, builders and private individuals. We are highly experienced and knowledgeable in the Act. We pride ourselves in offering a first class professional service at a competitive price.

Regulated by The Royal Institution of Chartered Surveyors (RICS), the world's leading centre for property professionals, our team adhere to a strict code of conduct; you can therefore be assured that the work is undertaken to the highest standards.

We can also provide;
Structural calculations

Architectural services

BREEAM Code and Ecohomes assessments

CDM Coordination

Please contact us at your convenience to discuss your requirements or to answer any queries.

By reaching agreement with the Adjoining Owner or owners under the Act does not remove the possible need to apply for planning permission or to comply with building regulations procedures. Gaining planning permission or complying with the building regulations does not remove the need to comply with the Act where it is applicable. This leaflet is intended to give a brief overview of common applications of The Party Wall etc. Act 1996 to certain types of domestic work. This leaflet is only a sample guide and should not be relied on as a complete statement of the Law. To understand your rights and obligations fully, study the relevant law or contact a solicitor. Whilst every effort has been made to ensure the information provided is accurate, it does not constitute legal or other professional advice.

The Party Wall Act

The Party Wall etc. Act 1996 is an act of parliament that provides a framework to ensure building works that fall under the act are carried out lawfully and with minimum inconvenience to neighbours.

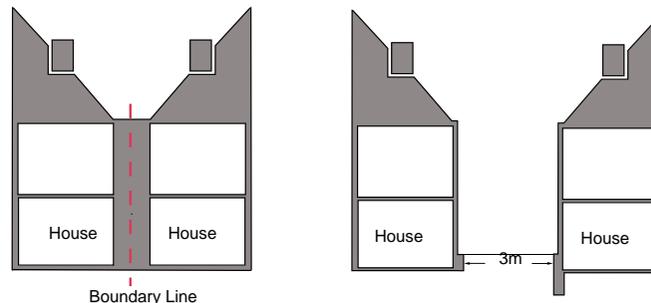
What building work falls under the act?

Home extensions, structural alterations and loft conversions are often subject to the Act.

If you intend 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 or astride the boundary with a neighbouring property.
- Excavating near a neighbouring building.

You must find out whether that work falls within the Act. If it does, you must notify all affected Adjoining Owners.



leo|horsfield

SURVEYING

PARTY WALL SPECIALISTS

Party Wall etc. Act 1996

Guidance Notes for

Building Owners & Adjoining Owners

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Key Facts for the Building Owner

Any Building Owner proposing undertaking building works that fall under the Act is required to give written notice to their adjoining owners.

Why must I serve notice?

Failure to serve the correct notice in valid time can cause significant delay to your works starting and could result in legal proceedings being brought against you.

We recommend you appoint a surveyor to serve notice for you. If the notice is not correctly served it may be invalid and could lead to delays and further expense being occurred.

What happens once notice has been served?

Once the notice has been served on your neighbour they have 14 days in which to respond in writing. Your neighbour may give consent, dissent from the proposed works or do nothing.

If after a period of 14 days they dissent from the notice or do not respond then a difference is deemed to have arisen between the parties. This means that both you and your neighbour must appoint surveyors under section 10 of the Act. You can either jointly agree upon an "agreed surveyor" or you can each appoint a different surveyor.

What will the surveyor do?

The surveyor will prepare a fair and impartial "award" which will deal with the right to execute the works, the time and manner of executing any work and any other matter that arises between the parties connected to the works. In all normal circumstances the surveyor will prepare a schedule of condition of the neighbouring property before works start in order to protect the interests of both parties in the event of a later claim for damages.

Who pays all the costs?

Usually the building owner proposing the works will pay all the costs associated with drawing up the award.

In specific circumstances where party walls are demolished and rebuilt the Act provides that the cost of the work shall be shared.

Key Facts for the Adjoining Owner

Who is an adjoining owner?

An Adjoining Owner is anyone with an interest greater than a yearly tenancy in the adjoining property.

The adjoining property may have a freehold owner, a leasehold owner and/or a long term tenant, each or all of whom may be an 'Adjoining Owner' under the Act.

It is the duty of the Building owner to notify all Adjoining Owners.

How are the building works likely to affect the adjoining owner?

As the adjoining owner you may experience some disruption to your daily life and it is possible that your home may suffer from damage as a result of the works.

Consequently when you receive notice under Act you should carefully consider how best to safeguard your home and your rights during the progress of the works.

What rights does the adjoining owner have under the act?

As adjoining owner under the Act you have the right to the following. (This list is not exhaustive).

- 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.

What should I do if notice is served on me?

If you receive written notice from the building owner you have 14 days in which to respond in writing.

If you have not appointed a surveyor then you usually have three main options available to you. (This list is not exhaustive).

1. Consent to the notice.

This option allows the building owner to get on with his/her works with no further action required from either party. In this case surveyors are not appointed under the Party Wall Act and your neighbour will not incur any further cost.

2. Dissent from the notice.

This option means that a difference arises between the parties and requires that both parties appoint a surveyor. This person may be the same 'agreed surveyor' or two different surveyors. The surveyor(s) will usually check the proposals and prepare a schedule of condition on the adjoining owner's property before works start. Before the work begins the surveyor(s) will produce a legal document called an "award".

3. Do nothing.

In most circumstances if you do nothing for more than 14 days after you have received a notice then a difference is deemed to have arisen between the parties and the same procedure applies as detailed in Option (2) above.

Generally

If you are undertaking any works which may fall under the Party Wall etc. Act 1996 we recommend you take advice prior to doing anything.

We are happy to give free informal advice over the phone.

Appointing a surveyor early will help ensure that the process runs smoothly and avoid any potential delays to the project.