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Party Wall Agreements

The Party Wall etc Act 1992 governs excavation and construction works along party walls for certain purposes. It aims to protect the interests of both parties and applies to all properties in England and Wales.

governing provisions in respect of party walls, certain buildings or structures and for connected works whilst protecting a neighbour's property. The Act applies to residential and commercial in England and Wales.

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It is important to note that planning consent for a party wall or boundary work may be required. A party wall agreement may be required in certain circumstances. Care should be taken to ensure that the works do not affect adjoining windows or doors.

planning consent has been obtained for work along a party wall, that works can automatically proceed, and a party wall agreement is required depending on the works being carried out. Additionally, a party wall agreement is required where a neighbour has a right to light through an adjoining window or door, or in the event of a potential civil action.

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Before starting any work, you should let your neighbour know and obtain their consent. This Guide provides an overview of the steps which must be taken in the event of a dispute. It is not intended as legal advice. Independent legal advice should be sought in relation to any specific legal matter.

for any work on or adjoining structure you are legally obliged to obtain their consent and enter a party wall agreement. This Guide provides an overview of the steps which must be taken in the event of a dispute. It is not intended as legal advice. Independent legal advice should be sought in relation to any specific legal matter.

What is a party wall?

When is a party wall agreement needed?

A party wall is a shared wall between two properties. For example, a shared wall between two semi-detached flats. It can also refer to a wall between a property and an adjoining structure.

A party wall agreement is needed to show that your neighbours agree to the works that must be carried out. This is required for certain types of work, such as building a new wall, altering an existing wall, or excavating near a party wall.

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Where a party wall is involved, you must have agreed to the works with your neighbour.

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The Act defines works as any of the following categories:

- Building a new wall
- Any change to an existing wall
- excavation of the ground adjacent to a party wall (Section 6)

Party wall agreements. They fall into the following categories:

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Common examples of works include building a chimney breast, raising a party wall, underpinning, damp proofing, and inserting a steel beam into a party wall.

- Building a new wall (Section 1)
- Altering an existing wall (Section 2)
- Excavating the ground adjacent to a party wall (Section 6)

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Common works which do not require a party wall agreement include plastering, electrical wiring, fitting new kitchen units or bathroom fixtures, and painting.

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## Serving a party with notice of works.

- a. Work cannot commence if the neighbour has obtained an injunction to stop the works. If works are not started within the notice period, a further notice may need to be served.
- b. Notice must be served on the neighbour up to 2 months and a year before the works start (time depends on the type of work). It is sensible to discuss the proposed works with the neighbour in advance to foster good relations. For those with already poor relationships, notice is unlikely, it is sometimes more appropriate to handle the notices and any associated dispute process.
- c. There are no prescribed forms for notices. The correct type of notice for the work being proposed should be used. See the examples in the Government's Party Wall Explanatory Booklet. See also the notes on the correct type of notice for the work being proposed and where appropriate copy plans. See the notes on the correct type of notice for the work being proposed and where appropriate copy plans. See the notes on the correct type of notice for the work being proposed and where appropriate copy plans. See the notes on the correct type of notice for the work being proposed and where appropriate copy plans.
- d. Notices must be served on the neighbour in person, by post or by email if the recipient has agreed to receive notices by email.
- e. If there is no response to the notice within 14 days, the work still cannot start. A further notice must be served and a 14 day period to respond is needed.
- f. If there is still no response to the notice, the works are deemed to be in dispute and a party wall surveyor must be appointed.
- g. For leasehold properties, notices should be served on both the Head Landlord and the leaseholder. The leaseholder's consent must be obtained.
- h. Where the name of the neighbour is not known, notices should be to "the owner" and/or "the occupier".
- i. If the works are in dispute, the process must be recorded in writing. To simplify the process as much as possible, it is recommended to use the process with draft agreements for your neighbour to sign.
- j. Where works are in dispute, the dispute resolution process must be followed.
- k. A neighbour may request additional works to be done at the same time. If they do, they will be responsible for those costs. A request for additional works must be made in writing and notice is required within 14 days.
- l. Neighbours must be consulted during usual working hours to carry out the works. If access is needed for an emergency, works should be carried out before 8am and after 5pm. Works should be carried out before 8am and after 5pm. Works should be carried out before 8am and after 5pm.

## The dispute process.

If the proposed works are in dispute, the neighbour cannot proceed. It is worth having a surveyor appointed at an early stage. Initial concerns can be resolved. For example, a condition can be included in the agreement, including a condition that the works will be carried out before 8am and after 5pm.

If an agreement is reached, the Act requires an independent party wall

## work.

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## of a surveyor

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