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Party Wall Agreements

The Party Wall etc Act 1999 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. Care should be taken to ensure that any 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, there may be a need to consider where a neighbour has a right to light through a party wall or 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 flats. It can also refer to a wall between a property and a neighbour's property.

is your property from the neighbouring property. For example, a shared wall between two semi-detached properties, floors or ceilings between two properties, or a wall over and along a boundary.

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Where a party wall work is to be carried out, you must have agreed to the work with your neighbour.

A party wall agreement is needed to show that your neighbours agree to the works that must be carried out.

The Act defines works as follows:

party wall agreements. They fall into the following categories:

- Building a new wall along a boundary (Section 1)
- Any change to a party wall or boundary structure (Section 2)
- excavation or construction of a new boundary depending on the depth of excavation (Section 6)

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Common examples of works include: inserting a steel beam into a party wall, removing a chimney breast, raising a party wall, demolishing and rebuilding a party wall, underpinning, damp proofing, and digging foundations for extension.

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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 relations, this discussion and consent is unlikely, it is sometimes more appropriate to use the dispute resolution 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 the dispute resolution process must be followed.
- 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 as set out in the Act must be followed. To simply the process as set out in the Act, it is recommended that you use the dispute resolution 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 the costs of those works. A request for additional works must be made in writing and a 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 resolution process.

If the proposed works are in dispute and the neighbour cannot proceed, the dispute resolution process must be followed. It is worth having a surveyor appointed at an early stage. If initial concerns cannot be resolved, a surveyor can help. For example, a condition can be included in the party wall agreement stating that if an agreement is not reached, the Act requires an independent party wall

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has been obtained. If work begins prior to that, an injunction obtained to stop the works. If works are not started within the notice period, a further notice may need to be served.

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surveyor to be appointed by both parties. The usual rule is that the costs are met by the building party. If the two parties reach an agreement, the surveyor's approach can be met by building the party wall.

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Once the party wall agreement is still not reached on both parties. An award can be made by the court.

parties reach an agreement or made a decision if they do not, they can write a "party wall award" which is legally binding on both parties.

- details of the work to be done
- the manner and timing of the work
- which party is responsible for the costs

of the work

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The party wall surveyor will produce a schedule of condition of the neighbouring property before any work starts.

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Either party can appeal to the County Court within 14 days of receipt from the surveyor if they are not satisfied with the process. The court can overturn the award, make changes or come to a decision. If the appeal loses, they will be responsible for both parties' costs.

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Further resources:

The Government's explanatory booklet provides further example notices and acknowledgements for specific scenarios including building of a new wall astride a boundary, a new wall wholly on your land and adjacent to a boundary, an excavation or construction of a boundary.

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https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/444444/preventing-and-resolving-disputes-in-relation-to-party-walls-1996-explanatory-booklet

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