

# Party Wall Act

Please note the Party Wall Act is a civil matter and the local authority do not have involvement in the Party Wall Act process outlined in this guidance.

**Author:** Development Management

**Contact:** developmentcontrol@luton.gov.uk

**Version:** 1.0 (published)

**Last updated:** 04.05.2023

## Contents

1. Party Wall advice
2. What is a Party Wall?
3. What is covered by the Act?
4. What the act doesn't cover
5. What to do next
6. If neighbour agrees
7. If neighbour disagrees
8. Who pays?
9. Building work
- 10. Further Guidance**

### 1. Party Wall Advice

The Party Wall etc. Act 1996 provides a framework for preventing and settling disputes relating to building works undertaken by person/s or organization's (defined as the Building Owner). It is a civil matter between property owners and the Local Authority do not normally become involved in the process

To trigger the Party Wall Etc. Act works must involve changes to:

party walls

party fence walls

excavation work within 3 or 6 metres of an adjacent structure or

building works along or astride the boundary line.

## 2. What is a Party Wall?

Where a wall or floor separates two different buildings be they semi-detached or terraced houses, flats or commercial properties such as offices or shops belonging to different owners, then these fall within the definition of a party wall or structure. However only the part that is used by both properties is considered to fall within the requirements of the Party Wall etc. Act 1996. The rest belongs to the person on whose land it stands. In order to carry out building work such as structural alterations, extensions or internal refurbishment etc. you must obtain your neighbour's agreement before works can commence. In certain circumstances the excavation and constructing foundations for a new building within 3 or 6 metres of neighbouring properties will also need written agreement. The excavation and construction of a wall along your boundary is also notifiable.

Party Wall etc. Act 1996. The Party Wall etc. Act 1996 provides a framework for preventing and resolving disputes in relation to party walls, boundary walls and excavations near neighbouring buildings. It is based on tried and tested provisions of the London Building Acts, which applied in inner London for many years, before the Act came into force. Anyone intending to carry out work of the kinds mentioned in the Act must give Adjoining Owners notice of their intentions.

## 3. What is covered by the Act?

In broad terms the type of work the Act covers are:

various work that is going to be carried out directly to an existing party wall or structure

new building at or astride the boundary line between properties

excavation within 3 or 6 metres of neighbouring buildings or structures, depending on the depth of the proposed excavations or foundations

## 4. What the Act doesn't cover

What the Act doesn't cover

The Act does not cover every day minor jobs that do not affect the neighbours' half of a party wall including:

fixing plugs

screwing in wall units or shelving

adding or replacing some recessed electrical wiring or sockets

re-plastering your walls

## 5. What do I do next

If it is intended to do any of these types of works you must give written notice to your neighbours:

at least two months before starting work to a party wall or one month for 'line of junction' or excavation works

If the adjoining property is tenanted or leasehold you will need to serve notice on:

the landlord, as well as any person living in the property

Where there is more than one owner of the adjoining property or more than one adjoining property, you must serve notice on:

all owners and occupiers. In the case of flats etc. this will also apply to owners and occupiers either above or below your property

There are two main types of response to the notice covered in the Act.

## 6. Neighbour agrees

Where your neighbour (Adjoining Owner) agrees to the work and signs the acknowledgment and returns it to you. You are then free to commence the works within a reasonable period but will still be liable for any damage to their property. In this instance we would strongly recommend that you arrange for a Schedule of Condition of the adjoining property to be prepared in order to cover you against any contentious claims.

## 7. Neighbour disagrees

Should your neighbour not agree to the work or have any concerns regarding the legal rights etc, then the Act provides for both parties to either:

each appoint a surveyor or

jointly appoint a surveyor called the 'agreed surveyor' who will act impartially.

The surveyor or surveyors will then be responsible for drawing up a document called an 'Award'. This details the work to be carried out, when and how it will be done and records the condition of the adjoining property before work begins.

## 8. Who Pays Surveyors fees

The owner who first planned the work will usually be responsible for costs associated with the Award but the surveyor may decide that they should be apportioned where there are benefits to other parties.

## 9. Building Work

This is settled by agreement. If there is a dispute, it will be covered by the Award.

## 10. Further Guidance

<https://www.gov.uk/party-walls-building-works>