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A clear, impartial guide to...

Party walls

Shared wall | Alternations | Dispute resolution



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Introduction

This leaflet tells you about party walls (the walls you share with your neighbours). It's been written by RICS (Royal Institution of Chartered Surveyors) and offers help and advice to homeowners and landlords who are unsure of their rights and responsibilities.

The Government issues a more detailed 'Explanatory Booklet' about the Party Wall etc Act 1996 which is available free of charge by calling 0870 1226 236 or online at: www.communities.gov.uk



What is a party wall?

If you live in a semi-detached or terrace house you share a wall (or walls) with your neighbour – that wall is known as a party wall.

Party walls usually separate buildings belonging to different owners but could include garden walls built astride a boundary – known as party fence walls.

Where a wall separates two different size buildings often only the part that is used by both properties is a party wall, the rest belonging to the person or persons on whose land it stands.

The Party Wall etc Act

Since the Party Wall etc Act 1996 came into force, homeowners in England and Wales have had a procedure to follow when building work involves a party wall or party fence wall, some excavations close to neighbouring buildings, and new walls at boundaries.

The Act permits owners to carry out certain specific works, including work to the full thickness of a party wall, whilst at the same time protecting the interests of anyone else who might be affected by that work.

The Act is designed to avoid or minimise disputes by making sure property owners notify their neighbours in advance of certain proposed works. The Act requires that where the adjoining owner does not 'agree' in writing to the works a surveyor or surveyors will determine the time and way in which those works are carried out.

What is not covered by the Act?

The Act relates only to certain specific types of work and is permissive in nature. It is not just another way to object to or try to prevent your neighbour's works nor is it intended to be applied to everyday minor jobs that do not affect the structural integrity or loading of a party wall, such as:

- Fixing plug sockets
- Screwing in wall units or shelving
- Adding or replacing electrical wiring or sockets
- Replastering your walls.

What is covered by the Act?

There are some things that you can only do to a party wall after notifying your neighbour and either with the written agreement of the neighbour or with a Party Wall Award prepared by a surveyor/surveyors. Such works include:

- Cutting into a wall to take the bearing of a beam, for example for a loft conversion
- Inserting a damp proof course, even if only to your own side of a party wall
- Raising a party wall and, if necessary, cutting off any objects preventing this from happening
- Demolishing and rebuilding a party wall
- Underpinning a party wall or part of a party wall
- Weathering the junction of adjoining walls or buildings by cutting a flashing into an adjoining building

- Excavating foundations within three metres of a neighbour's structure and lower than its foundations
- Excavating foundations within six metres of a neighbour's structure and below a line drawn down at 45° from the bottom of its foundations.

You must also notify your neighbour if you propose to build a new wall on the line of junction (boundary) between two properties.

What do I have to do?

If you intend to do any of these things, you must give written notice to your neighbours at least two months before starting any party wall works or one month for 'line of junction' or excavation works.

Where there is more than one owner of the neighbouring property, or more than one adjoining property, you must notify all of them, thus if a tenant or leaseholder occupies the building next door you will need to tell the landlord as well as the occupier.

If you are doing structural work to a party wall, or works affecting a ceiling or floor, you will have to give written notice to any adjoining owners and occupiers living above or below your property.

If possible, talk to your neighbours in detail about the work you want to do before giving them written notice. If you can sort out any potential problems in advance, they should give you written agreement in response to your notice.

Before you start the specific works you must either have your neighbour's written agreement to the proposed works or appoint a surveyor to prepare a Party Wall Award in respect of them.

What if there's a dispute?

Where written agreement is not given, within 14 days of the notice, the solution the Act provides is for both parties to appoint an 'agreed surveyor' who will act impartially or each owner appoints a surveyor. The surveyor/s will draw up a document called an 'Award'.

This details the work to be carried out, when and how it will be done and usually records the condition of the relevant part of adjoining property before work begins. It may also grant access to both properties so that the works can be safely carried out and the surveyor/s can inspect work in progress.

The Award will determine who pays for the work if this is in dispute. Generally, the building owner who started the work pays for all expenses of work and the reasonable costs, but these will be apportioned between the owners where appropriate.

Free RICS guides



RICS have a range of free guides available for the property issues listed below.

- Buying a home
- Selling your home
- Property surveys
- Extending your home
- Subsidence
- Boundary disputes
- Party walls
- Right to light
- Compulsory purchase

- Letting a property
- Renting a property
- Flooding
- Property auctions
- Buying and selling art and antiques at auction

To order your free copies, visit www.rics.org/usefulguides

alternatively email contactrics@rics.org

or call the RICS Contact Centre
0870 333 1600

For more information

We hope this guide is useful to you. If you'd like to know more about party walls, or how RICS can help, please contact us.

Visit our website
www.rics.org/partywalls

alternatively email
contactrics@rics.org

or call the RICS Contact Centre
0870 333 1600

Consumer helplines

RICS offers telephone helplines giving you 30 minutes free advice on:

- Boundary disputes
- Party walls
- Compulsory purchase

Just call **0870 333 1600** and you will be put in touch with an RICS member local to you, willing to provide a free 30 minute initial consultation. Lines are open 0830 - 1730 (GMT), Monday to Friday.

Find an RICS member

If you want to find independent, impartial advice from a qualified professional with good local knowledge, contact us.

Look out for firms that are 'Regulated by RICS'. Estate agents and surveying firms that are regulated by RICS will be easier to spot as they will be using 'Regulated by RICS' on their stationery and advertising material.

To find a chartered surveyor in your area visit
www.ricsfirms.com

alternatively email
contactrics@rics.org

or call the RICS Contact Centre
0870 333 1600

RICS (Royal Institution of Chartered Surveyors) is the leading organisation of its kind in the world for professionals in property, land, construction and related environmental issues. As part of our role we help to set, maintain and regulate standards – as well as providing impartial advice to Governments and policymakers. RICS has 140,000 members who operate out of 146 countries, supported by an extensive network of regional offices located in every continent around the world. To ensure that our members are able to provide the quality of advice and level of integrity required by the market, RICS qualifications are only awarded to individuals who meet the most rigorous requirements for both education and experience and who are prepared to maintain high standards in the public interest. With this in mind it's perhaps not surprising that the letters RICS represent the mark of property professionalism worldwide.

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