

# Three Metre Notice

## Section 6 of The Party Wall etc Act 1996

If you need help and advice with regard to disputes, particularly party wall matters, boundary disputes or building disputes then give us a call. You may require a structural report or a building survey or a schedule of condition prepared for a party wall notice or a dilapidations report. For any property matters please call 0800 298 5424 for a friendly chat.

The excavation near neighbouring buildings falls into two categories:-

1. The three metre notice
2. The six metre notice



In this article we will look at the Three Metre Notice

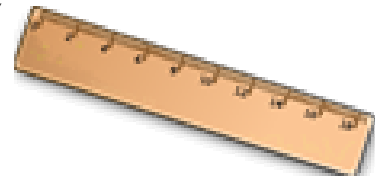
### Three Metre Notice

On a Party Wall award you can have a Three Metre Notice as well as a Six Metre Notice and the normal Party Wall award; so you can have three notices on one project.

### Section 6(1)(a) and (b)

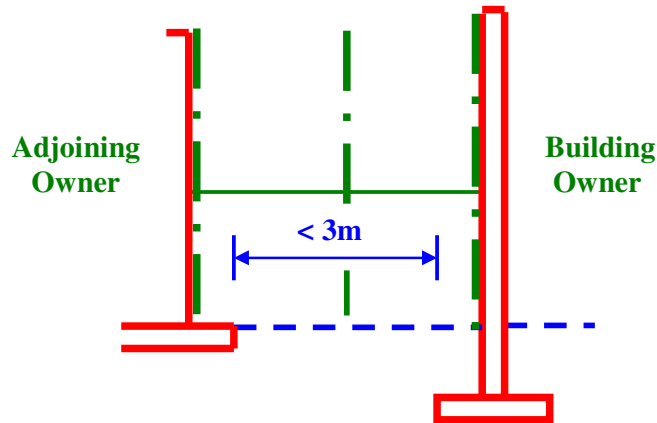
This section applies where, and to quote The Party Wall etc Act 1996:

- (a) “a building owner proposes to excavate, or excavate for and erect a building or structure, within a distance of three metres measured horizontally from any part of the building or structure of an adjoining owner; and
- (b) any part of the proposed excavation, building or structure will within those three metres extend to a lower level than the level of the bottom of the foundations of the building or structure of the adjoining owner.”



This section can probably best be explained by the following diagram:

## Three Metre Notice

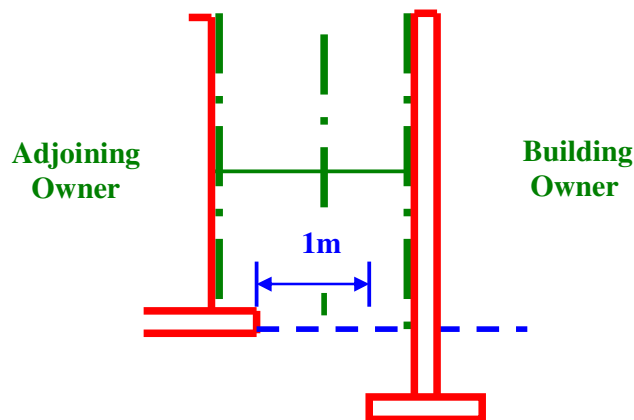


The building owner's property is on the right side of the diagram, in this case if you can imagine it to be a Victorian property, it is likely to have stepped brick foundations, approximately half a metre in depth. The adjoining owner's property is on the left hand side. It is also a Victorian property, again having stepped brick foundations, approximately half a metre in depth. If the building owner wishes to build, for example, on top of a rear single storey, the foundations would then need to be increased to 1 - 1.4 metres or deeper depending on local circumstances. This therefore, assuming of course the adjoining owner's building is within three metres, requires a notice, because it both fulfils the requirement (a) to be within three metres, and (b), stands lower than the level of the bottom of the foundations of the building or structure of the adjoining owner.

### Within Three Metres

Remember this Act also applies if it is within three metres.

## Three Metre Notice



## **Frequently Asked Questions - FAQ**

### **Do trial holes or bore holes require a three metre notice when considering such work, or indeed not?**

It is fair to say that over the years we have heard arguments for and against, including John Anstey who thought that hand dug holes are likely not to require a Party Wall Act Notice, whereas mechanically dug holes would. This may have been fair to say in days gone by but today we find that nearly all holes are dug mechanically so it is very difficult to know where to draw the line. We think probably the best comment here would be, subject to agreement, and the jury is still out as what legally is correct.



### **Does an impact driven pile require a three metre notice?**

Strictly speaking it doesn't, but we are not aware of any surveyor that wouldn't serve one.



If you truly do want an independent expert opinion from a chartered surveyor to specialise in party wall work please contact us on 0800 298 5424 for a chartered surveyor to give you a call back. We are also happy to carry out third surveyor work. If you require a structural survey, a schedule of condition, a dilapidations report, specific defects report, home buyers reports or any other property matters please contact us.

If you have a residential or commercial property we would be more than happy to help you with a Party Wall matter. We would also refer you to our other website [www.DisputesHelp.com](http://www.DisputesHelp.com) which has a section on Party Walls as well as covering building disputes and boundary disputes.

If you have a commercial property, be it leasehold or freehold, then you may wish to look at our Dilaps Website at [www.DilapsHelp.com](http://www.DilapsHelp.com).

We hope you found the article of use and if you have any experiences that you feel should be added to this article that would benefit others, or you feel that some of the information that we have put is wrong then please do not hesitate to contact us (we are only human).

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