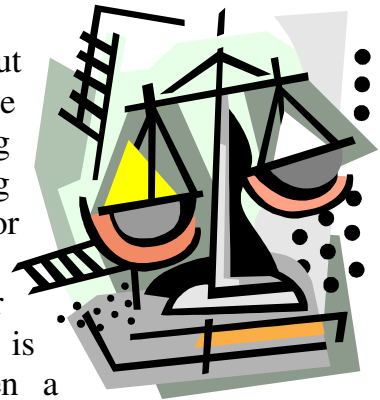


What is a Party Wall Notice?

If you need help and advice with regard to disputes, particularly party walls matters, or you require a structural survey or a schedule of condition or dilapidations report or any other property matters please call 0800 298 5424 for a friendly chat.

Who's who

The Party Wall etc Act 1996 is very specific about parties involved in a party wall notice. It terms the person who wants the work carried out at the building owner. They do not necessarily need to be the building occupier. The property could be leased and often is, for example, in the centre of cities, i.e. London, or Bristol, where the Party Wall Act has been in place for many decades. Also, since 1996, which is why it is called The Party Wall etc Act 1996, it has been a nationwide requirement.



So, the building owner is one of the parties, the other party is the adjoining owner or adjoining owners. There can be more than one of these in many senses of the word. First of all the adjoining owner can mean the actual freehold owner of the property, but it can also mean the leasehold owner or the leasehold owners, if the property has been subdivided. Equally, it doesn't just have to be the adjoining property; it can, in some cases, particularly where deep foundation work has been carried out, affect owners that are not immediately adjacent to the property. Within The Party Wall etc Act 1996 the building owner can serve notices on the adjoining owner and similarly the adjoining owner can serve counter-notices on the building owner.

What is a notice?

Building owner's notice to an adjoining owner

A notice is part of The Party Wall etc Act 1996 and it is where the building owner or building owner's party wall surveyor advises the adjoining owner that they are proposing carrying out works that fall under the Party Wall

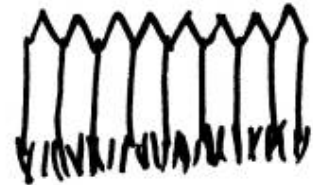


Act. The reason why the building owner would advise the adjoining owner is that he then has additional rights going beyond his ordinary common law rights and this becomes a party wall matter.

Typical instances where a party wall notice is required

Typically a notice would be written where:-

1. The building owner wishes to cut into a party wall, or take bearing from it.
2. Where he is looking to raise the height of it or increase its width and cut off any projection.
3. Where they are looking to re-build the wall (having demolished it first).
4. Where they are looking to underpin the wall, as this would normally be the entire thickness of it.
5. Where they are looking to add some form of protection, which involves cutting into the adjoining owner's wall, such as putting a flashing in place.



Three metre and six metre notices

There are also special notices relating to excavation, where this is carried out near neighbouring properties. This falls under Section 6 of The Party Wall etc Act 1996 and is known as the three and six metre notice. Briefly, this involves:-

Three metres

where excavation takes place within three metres of an adjoining neighbour's structure where you are likely to go deeper than the adjoining neighbour's foundation.

Six metres

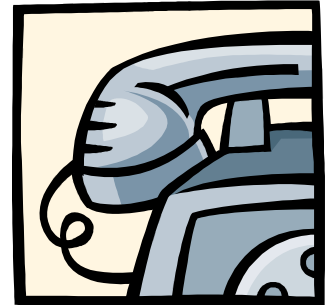
This is where excavation takes place within six metres of an adjoining neighbour's building and you take an angle of 45 degrees from the

bottom of the adjoining neighbour's foundation. The building owner's excavation is likely to go deeper than this.

These are explained in more detail in the relevant three metre and six metre party wall notice articles that we have also written.

Independent chartered surveying advice

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.



Independent commercial property surveying advice

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 and for Disputes and anything else relating to party wall matters please go to our Disputes Help website www.DisputesHelp.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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