The Party Wall etc. Act 1996

Your obligations when building near boundaries

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QUICK SUMMARY

- Written notice required for work on or near shared walls
- Applies to excavations within 3-6m of neighbouring buildings
- Adjoining owners have 14 days to respond to notices
- Disputes resolved by appointed surveyors under the Act
- Work without proper notice can lead to court injunction

Resolving Boundary Disputes

The Act, which came into force on 1 July 1997 and applies throughout England and Wales, provides a framework for preventing or resolving disputes in relation to party walls, party structures, boundary walls and excavations near neighbouring buildings. Anyone intending to carry out work of the kinds described in the Act must give adjoining owners the written notice of their intentions. It even applies to Crown, government and local authority owned property. Where the intended work is to an existing party wall (section 2 of the Act) a notice must be given even where the work will not extend beyond the centre line of a party wall.

Adjoining owners can agree with the building owner’s proposals or reach agreement with the building owner on changes in the way the works are to be carried out, in their timing and manner. It is always best to have any agreement with your adjoining owner in writing.

Where a dispute arises (in relation to a new party wall or party fence wall, works to an existing party wall or an excavation), if written consent has not been given by the adjoining owner within 14 days of receiving a written notice the Act provides for the matter to be resolved by surveyors.

What does the Act cover?

- Various work that is going to be carried out directly to an existing party wall or a party structure
- New building at or astride the boundary line between properties

- Excavation within three or six metres of a neighbouring building(s) or structure(s), depending on the depth of the hole or proposed foundations

Work may fall within more than one of the above categories and involve different types of buildings and structures for example, houses, garages and office buildings.

Why is the Party Wall etc. Act important?

- By law, anyone intending to carry out work on or astride the boundary or on a party wall or undertake certain excavations adjacent to an adjoining neighbours' buildings or structures must give adjoining owners notice of their plans
- Owners are considered to be joint owners of the entirety of a party wall rather than sole owner of part of the wall
- If work starts without a notice being given, an adjoining owner can seek to stop the work through a court injunction or seek other legal redress