

PARTY WALL PROCESS FOR ADJOINING OWNERS

I own a property next to someone who is planning alteration works.

Have I been served Party Wall notice?

Yes

No

I now have three options on the reply form to choose from.

It is advisable to establish communication with your neighbour and determine if their proposed works fall under the 1996 Act.
If the works are notifiable then the Building Owner needs to serve 'Party Wall Notice'.

You will also have 14 days to respond in writing to the Building Owner or the Building Owners surveyor. If you do not respond within the 14 days, you are deemed to dissent and a 'dispute' arises under the Act.
The Building Owner or surveyor can then serve a 10 day notice on you to appoint a surveyor, and if you fail to respond then a surveyor will be appointed on your behalf.

So it is always essential to respond to any notice in writing within the permitted time.

You have established the proposed works are not notifiable under the 1996 Act and you do not require a Party Wall Notice.

You have established the proposed works are notifiable under the 1996 Act and you require a Party Wall Notice.

Consent to the notice in writing

Dissent to the notice and appoint a different surveyor to act on my behalf

Dissent to the notice and appoint a 'Agreed' or suggested surveyor

Building Owner serves you a valid Party Wall notice.

Building Owner refuses to meet their legal obligations under the 1996 Act and will not serve Party Wall Notice.

A statutory 'dispute' is deemed to have arisen under the 1996 Act. Both parties have now appointed an 'Agreed' surveyor.

The Agreed surveyor will impartially agree and serve a 'Party Wall Award'. This is a legally binding document that will state how the manner and execution of the works will be carried out.



The Party Wall Award has now been signed and served and the Building Owner can now commence works under the 1996 Act.

The Building Owner is now free to commence works. It is always recommendable that you undertake a 'Schedule of Condition' before works begin.
We can undertake a Schedule of Condition on all neighbouring properties to give peace of mind during the construction of any adjacent works

We recommend two options in this scenario.

- 1) Take photographic images of your property internally and externally before any works commence next door and keep a written timeline of events.
- 2) Seek independent legal advice (Citizens Advice Bureau, Home Insurance or any solicitor helpline) and enquire about an injunction to stop the Building Owner's work until a Party Wall Award is made by the surveyors.