

OBTAINING A PARTY WALL AGREEMENT



Party Wall Act 1996

About the agreement

A party wall is the structure that you and your neighbour – next door, upstairs or downstairs – share. Fences also come under this category. Because our cities in particular have so many adjoining buildings, the Party Wall etc. Act 1996 was put in place to make it easier to agree on changes.

The process is usually coordinated by a party wall surveyor, but you can also simply agree to the works in writing.



Common Circumstances

The most common circumstances in which you'll need to obtain a Party Wall Agreement.

Removing or altering a chimney breast

Chimney breasts like this exist in the majority of older houses. If you share this wall with your neighbour and would like to remove the chimney breast, or make the opening bigger, you'll need a Party Wall Award, because it's an integral part of the wall. It's especially important to have old brick walls of unknown quality looked at by a party wall surveyor.

Carrying out a rear extension

If you have a narrow rear garden – as many terraced and semi-detached houses in London do, for example – you might be keen to extend full-width. In this case, your new external walls will become party walls, or rather, extensions to the existing party walls of your property, so you will need a Party Wall Award. To build the walls, you'll also need to have new foundations that are at least 1m deep for single-storey extensions, and digging down near existing (party wall) foundations requires an award, too.



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Building upwards

If you're making the loft space habitable, you'll definitely need new steels supporting the floor, and these are inserted into holes at each side of a party wall.

Digging into the basement

If you decide to dig down under your existing home, you'll have a multitude of permissions and designs to go through – Planning Permission, structural design, various desktop studies and so on. The structural design will give your builder details on how to extend new foundations under your existing, often very shallow, foundations on either side. This is called underpinning. All of this will require a Party Wall Award.



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Renovating flats

If you live in a flat, your ceiling is also a party wall. Your leasehold likely excludes any of the external (brick) skin of your house, as well as the structure of your floor and/or ceiling. Any alteration to these will not only require a Party Wall Award, but, very likely, permission from your freeholder.

Digging into the basement

Imagine for a moment that these beautiful decorative beams in this country home are the timber joists usually hidden in your ceiling. If one or more of them needed replacing, and the new joists could go in their place, you wouldn't need a Party Wall Award.

If, however, you needed to install a new joist or a metal beam, and it required a hole either side of the wall to fit it, this would need an award.



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Extending away from boundaries

Your surveyor would be able to advise if, by digging the new foundations of an extension like this, you're sufficiently distanced from the fence to get away with not needing any extra paperwork.

Digging into the basement

If you're the owner of both adjacent whole properties, you won't need a Party Wall Agreement with yourself, of course!

If, however, you've simply bought apartments on the same level in two adjacent properties, and want to remove the wall in-between, you would need a Party Wall Award with the freeholder – even if you own a share of freehold.



Obtaining the Agreement

How to obtain a Party Wall Award

Now you have established that a Party Wall Award is required you have two options. The first is simply an agreement in writing from your neighbours, which will avoid the use of surveyors.

Whilst there is no official form for giving notice under the Act, your notice will need to include the following details:

- Your own name and address (joint owners must all be named, e.g. Mr A & Mrs B Owner) • The address of the building to be worked on
- A full description of what you propose to do (The proposal description used in your planning application can be given)
- When you propose to start (which must not be before the relevant notice period has elapsed). The notice should be dated and it is advisable to include a clear statement that it is a notice under the provisions of the Act.



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Alternatively the following website link can be used to create a standard letter to be signed by your neighbours - <http://www.mypropertyguide.co.uk/partywall/notice/generator>

If you cannot reach agreement with the Adjoining Owners, the next best thing is to agree with them on appointing what the Act calls an “Agreed Surveyor” to draw up an “Award”. The surveyor must be a person agreed between all involved owners. Alternatively, each owner can appoint a surveyor to work on their behalf. The surveyor’s duty is to resolve matters in dispute in a fair and practical way. Typically the Building Owners will pay all costs associated with drawing up the award including the adjoining owner’s surveyor’s fees.

Fluent ADS work with Michael Lane Surveyors regularly, on behalf of our clients:
- 0208 651 3811 / design@laneassociates.org

Full Government guidelines can be viewed at: - [Party Wall etc Act 1996 - Explanatory Booklet](#)

