

PARTY WALLS Surveyors

And an example

PURPOSE

To equip you with the skills and knowledge for professional practice

WHAT IS A PROFESSIONAL STANDARD?

$$\begin{array}{c} \text{TECHNICAL EXPERTISE} \\ + \\ \text{ACADEMIC INPUT} \\ = \\ \text{PROFESSIONAL ABILITY} \end{array}$$

WHY?

Surveying is an intellectual not just a technical exercise. The Client /building owner needs to know that the surveyor has applied their mind to the situation of the brief.

HOW IS THIS ACHIEVED?

- Demonstrating thorough knowledge of the property relative to a Client's situation and needs
- Critical analysis of the facts
- Consideration of legal framework
- Consideration of available options
- Clear and concise conclusions
- Valid recommendations
- Evidence of research and reading

Purpose of the Party Walls etc. Act (1996)

To allow a building owner to use his neighbour's wall: to raise it, thicken it, cut into it, or use it as if it was his own.

WHAT ARE PARTY WALLS?

A Party wall is either:

A wall standing on the land of two owners to a greater extent than just projecting foundations,

Or a wall that separates the land of two owners.

A Party structure is:

A wall or floor, etc., separating parts of a building with separate entrances.

Party wall fence

Is a party wall as above but with no buildings on either side of it.

FIRST – Establish whether or not it is a Party Wall situation

If it appears to be a Party Wall situation investigate further.

Draw a detailed plan, with measurements to establish which properties might be affected and assess which Notices should be served, and on whom.

Remember – Notices must be served on all owners and tenants (of 1 year or more)

SECOND – Refresh your memory by re-reading the Act, Ansty and case law examples

THIRD – Establish what legislation might be involved. Are any of the buildings listed?

Is there a Health & Safety issue?

CASE STUDY EXAMPLE



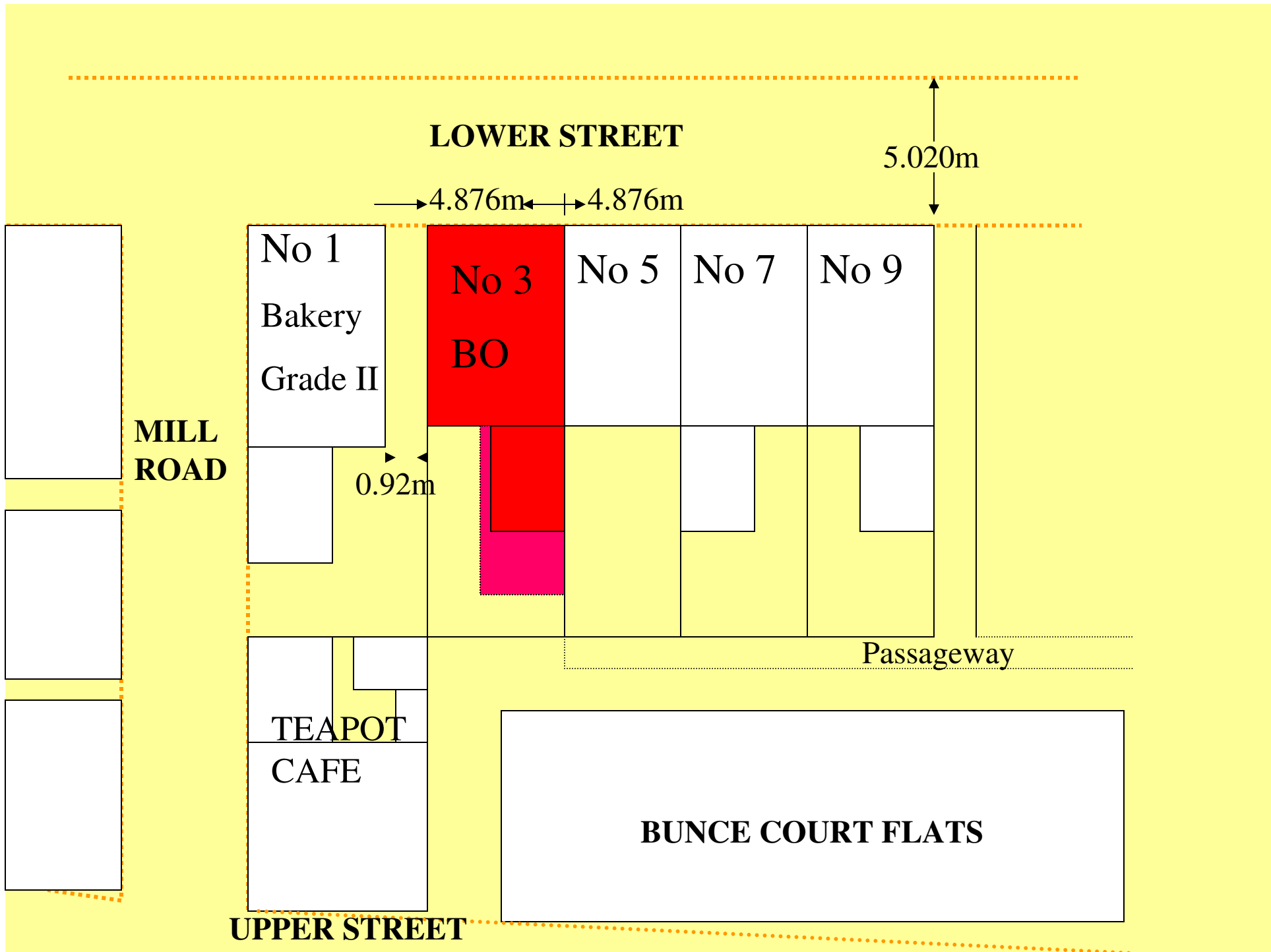
THE OWNER OF No 3 LOWER STREET WISHES TO CARRY OUT ALTERATIONS.

THESE INCLUDE:

- Repairs to the front parapet wall
- Injecting a silicone damp proof course
- Cutting out g/f partition wall & inserting an rsj over
- Demolishing rear extension
- Building larger two-storey extension

Is a party wall award required for any or all of the above?

If so, what is the procedure?



PROPOSED WORKS:

Repairs to the front parapet wall

Injecting a silicone damp proof course

Cutting out g/f partition wall & inserting an rsj over

Works will almost certainly affect No 5 Lower Street

Therefore a 3-metre Notice must be served on the owner and occupiers of No 5 and a Party Wall Surveyor will need to be appointed.

These works will not affect No 1

But.....

Demolishing rear extension, and

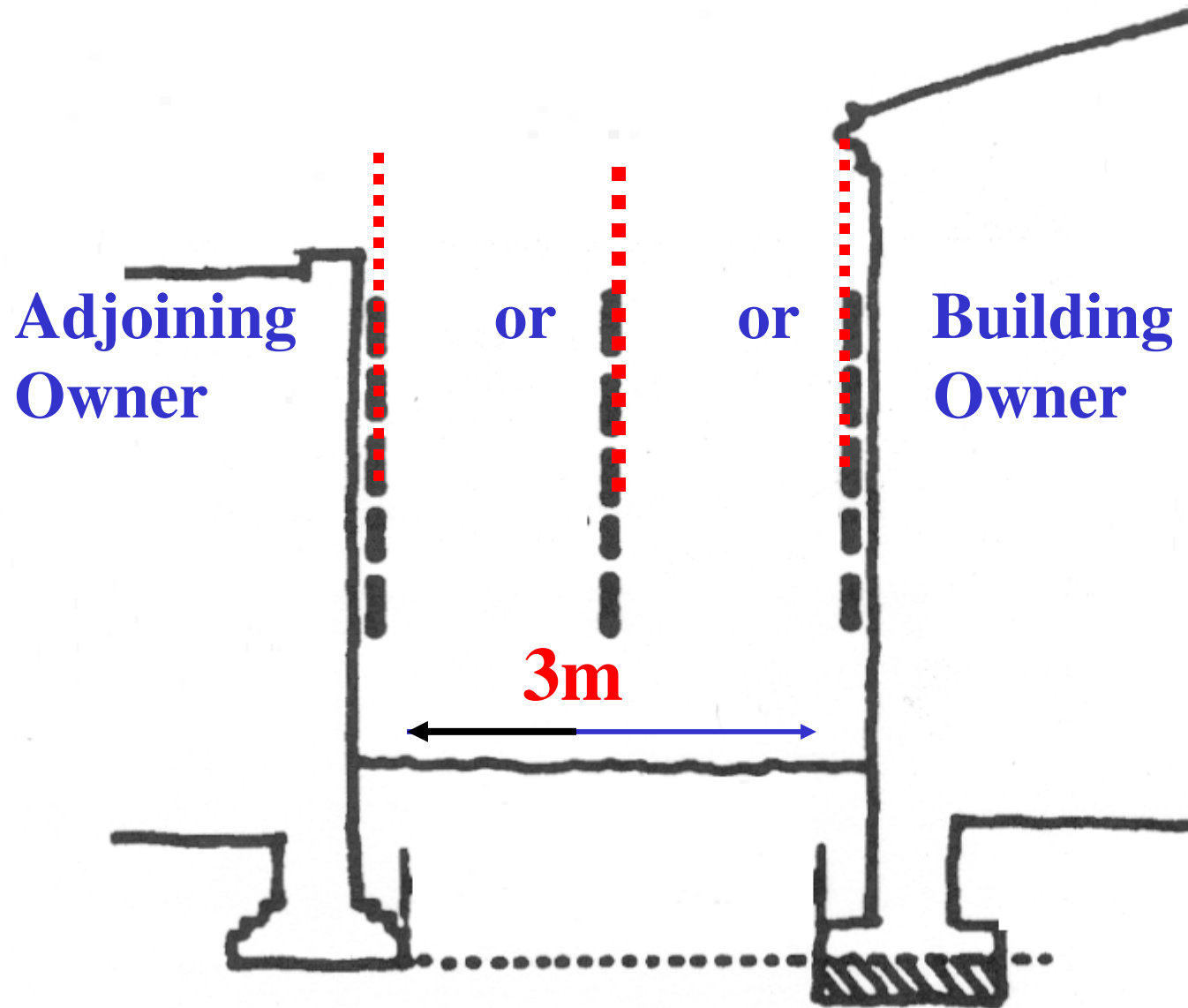
Building larger two-storey extension

Will affect No 1 Lower Street and a 3-metre Notice must be served

Does a 3-metre notice need to be served on any other property?

Do 6-metre noticed need to be served?

3 METRE NOTICE



Depending on the depth of foundations 6-metre Notices will need to be served on the owners, lessees and tenants of:

No 7 Lower Street

The Teapot Café

Bunce Court flats

Possibly up to 17 Notices.

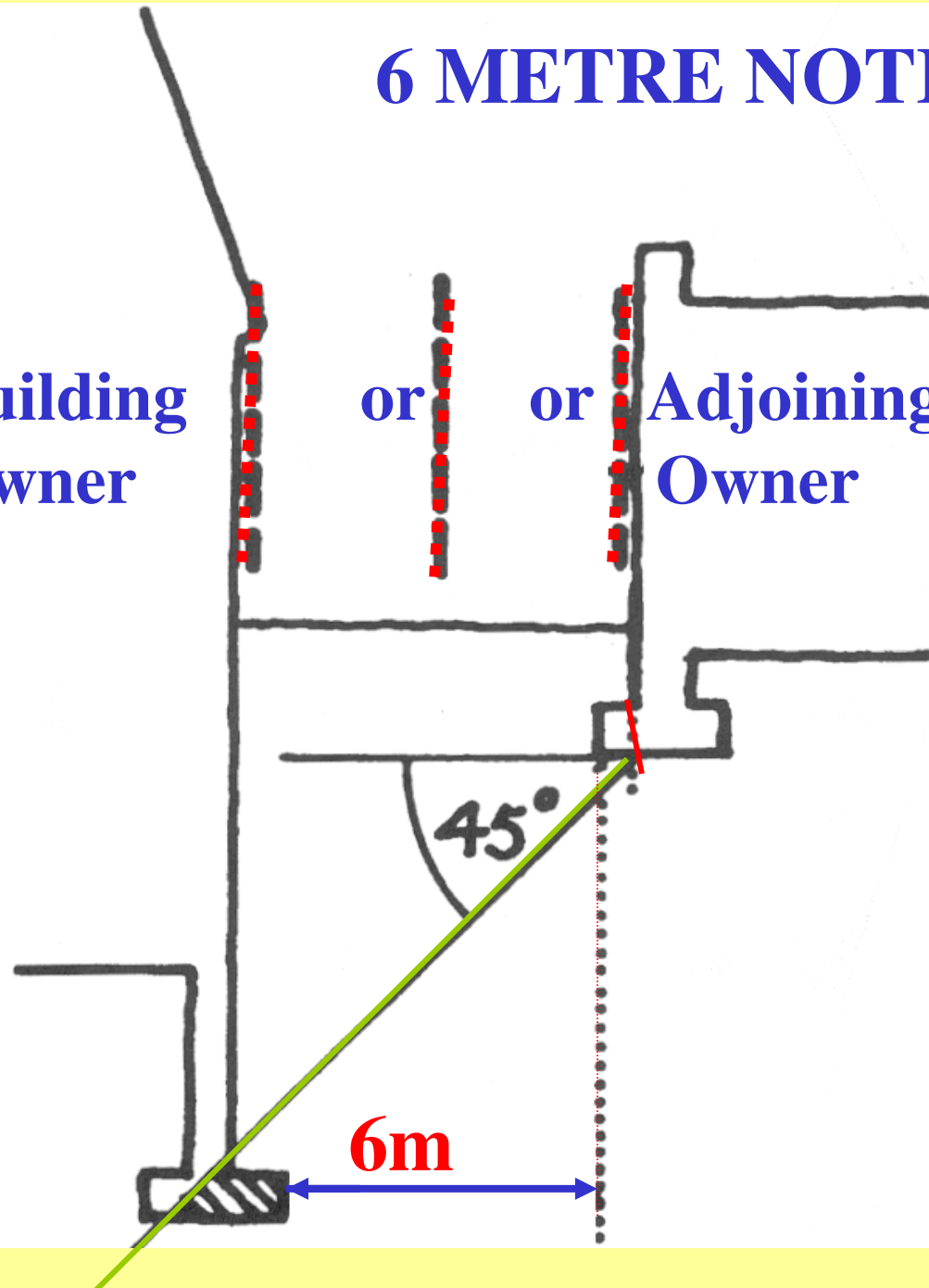
6 METRE NOTICE

Building
Owner

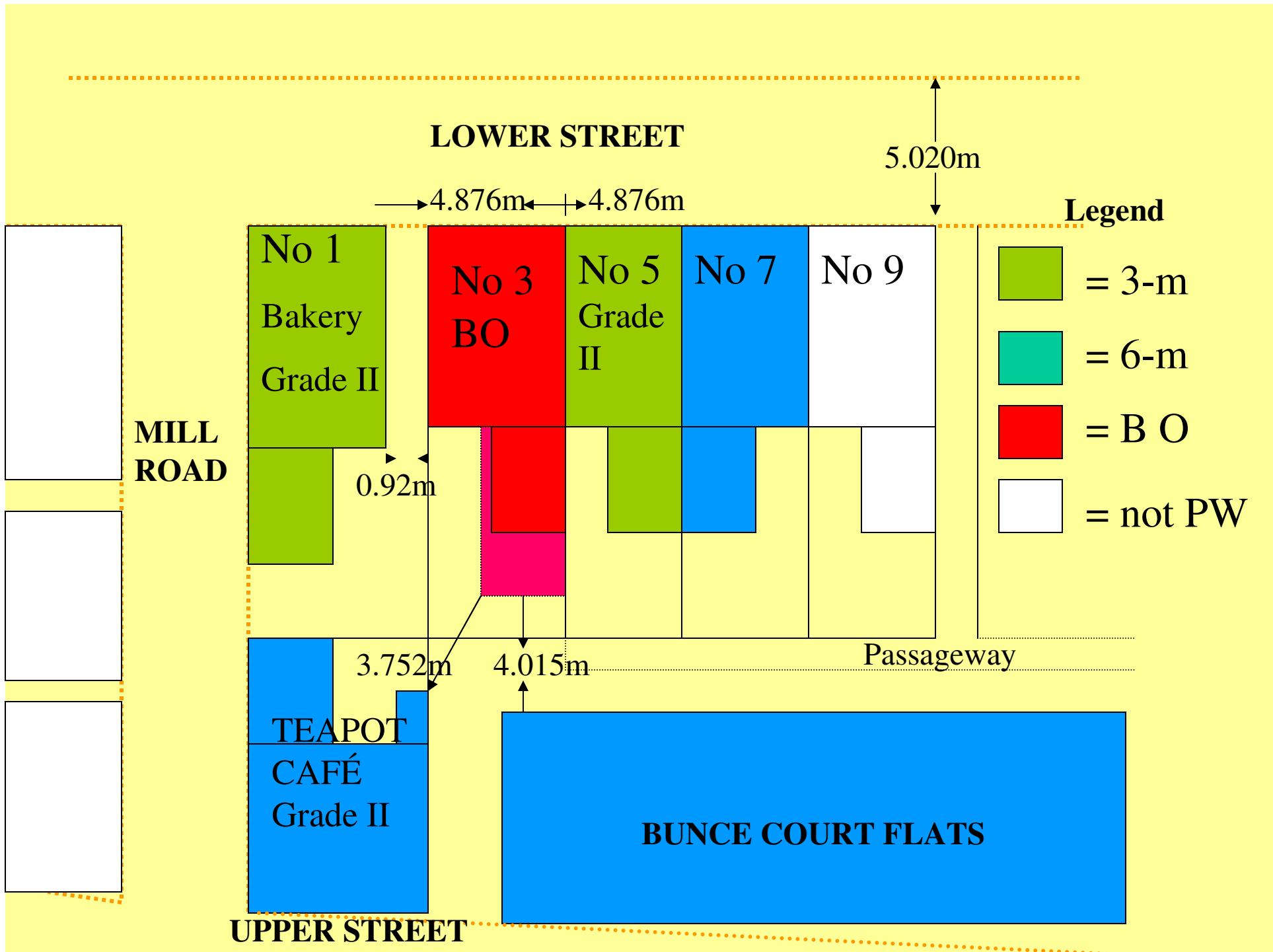
or

or

Adjoining
Owner



6m



PROCEDURE:

Notices to be served on all qualifying Adjoining Owners

If they do not agree to the work within 14 days a dispute is deemed to have arisen requiring:

- Appointment as a Building Owner's Surveyor (BOS)
- Every Adjoining building owner entitled to an Adjoining Owner's Surveyor (AOS) (If a small PW situation an Appointed Surveyor may act for all parties)
- Appointment of a 3rd Surveyor

The purpose of Party Wall work is to secure an Award

Every Adjoining Owner is entitled to an Award

Work cannot commence until the Award is published

DUTIES OF THE BUILDING OWNER'S SURVEYOR:

To act impartially – I.e. “Act for the wall” not an individual. A Party Wall surveyor's duties are statutory

Understand one's duties as laid down in the Act

Prepare a check list

If necessary compile Schedules of Condition of AO properties (in a small job this may not be necessary & is not mandatory)

Ensure if works take place which ameliorate an AO property that they are paid for by the Adjoining Owner and not the Building Owner

Prepare and publish the Award(s)

WHAT SHOULD GO INTO THE AWARD?

The Award is produced by the BOS, but an AOS may assist

Use the RICS Guidance Notes for compiling an award

Leave time for any Listed Building consent to be obtained before commencement of works

Include any special precautionary clauses: i.e.:

- Protection for the Bakery & Café from dust & pollution
- Health & Safety
- Hours of Working
- Access through an AO property
- Highway matters (skips, scaffolding, etc see Gabriel v Enfield London Borough Council)

WHAT IF THINGS GO WRONG?

Call in the 3rd surveyor to sort it out

The 3rd Surveyor then publishes the Award(s)

CAN AN ADJOINING OWNER APPEAL AGAINST THE AWARD?

Yes

DO THINGS EVER GO WRONG?

Seldom!

WHAT YOU NEED TO DO AS STUDENTS

1. Plenty of reading and Research:

ANSTY, John,. *Party Walls & what to do with them*. 5th edn. London: RICS Books

CHYNOWETH, Paul. 2001. *The Party Wall Act etc*. London. RICS Foundation.

CHYNOWETH, Paul. 2003. *The Party Wall Casebook*. Oxford. Blackwell Science Party Walls etc Act 1996 cap 40.

RICS Guidance Note, *Party Wall Legislation & Procedure*, 5th edn. London: RICS

VEGODA, Victor (2005) *The Role of the Third Surveyor Under the Party Wall Act 1996*. RICS

2. Read the Act carefully, making specific note of sections which affect duties and practice and be able to cite these

3. Look at Case law examples to be able to understand what a BO can and cannot do. Be able to cite examples i.e.

Andreae v Selfridge & Co (1938)

Dean v Walker (1996)

ODPM. *The Party Wall etc Act 1996, explanatory booklet*. 2002. ODPM.

Phips v Pears (1964)

Selby v Whitbread (1917)

FINALLY

Be able to justify what you say and write by reference to case law and sections of the Act

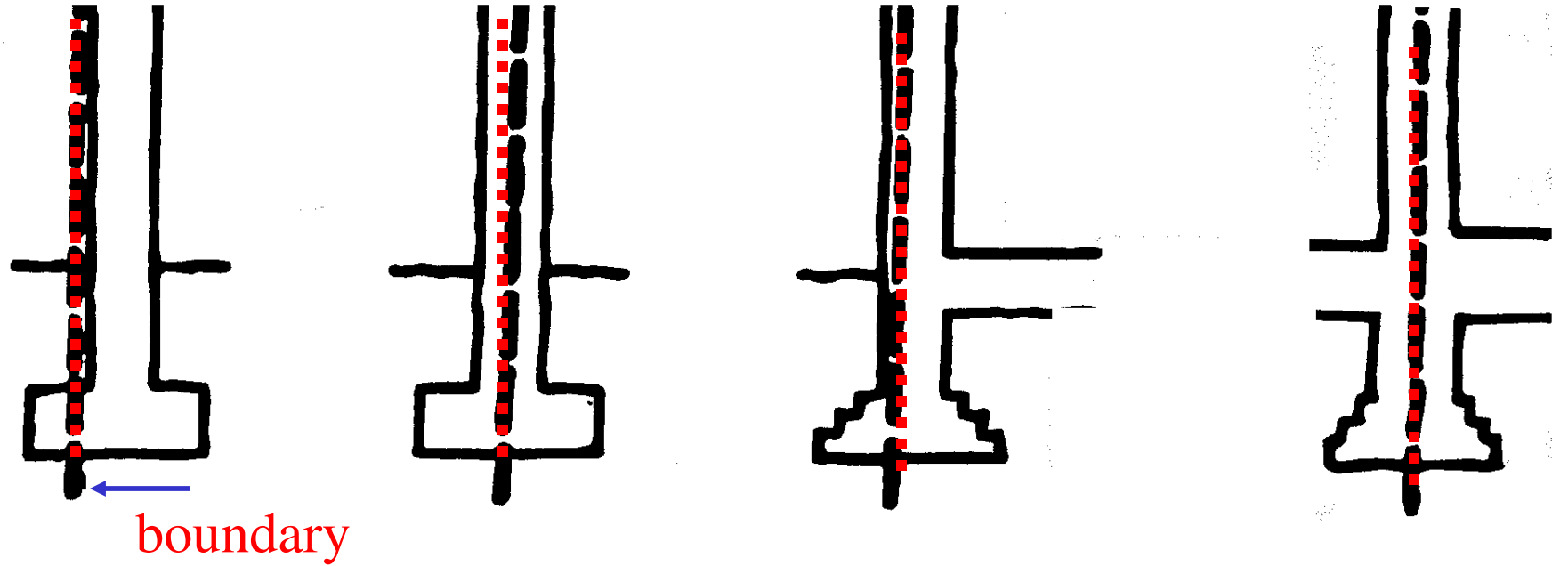
and

Don't rely in internet sources except the RICS site as sites may be written by lawyers who know sod all about PW practice

Oh, and make sure you write “metres” and not “meters”

There is nothing complicated about Party Walls – believe me!

TYPES OF PARTY WALL in section



A

B

C

&

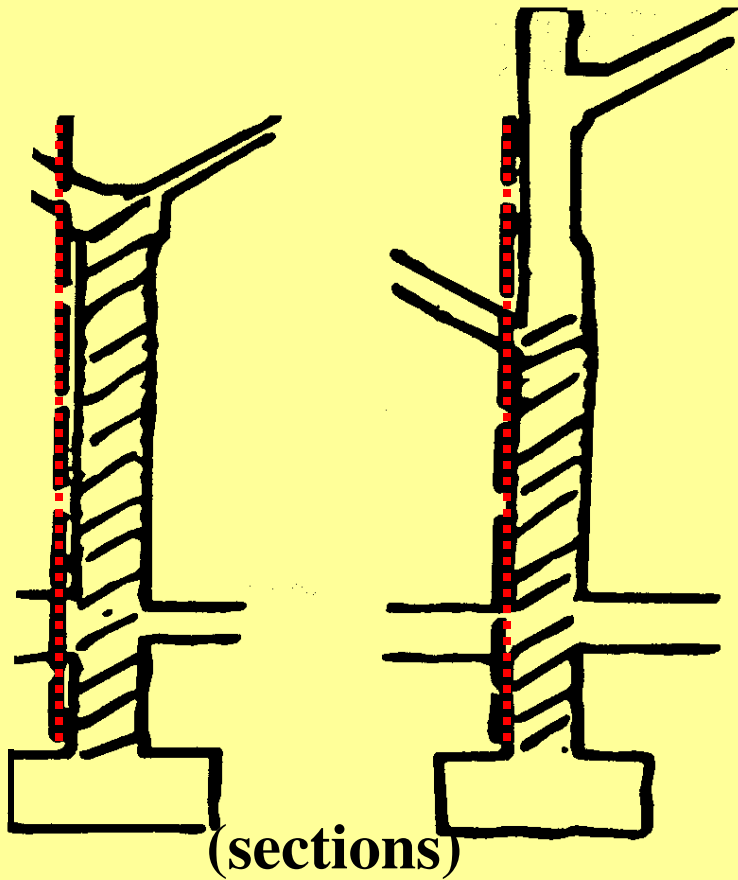
D

**Not a party
wall**

**Party fence
wall**

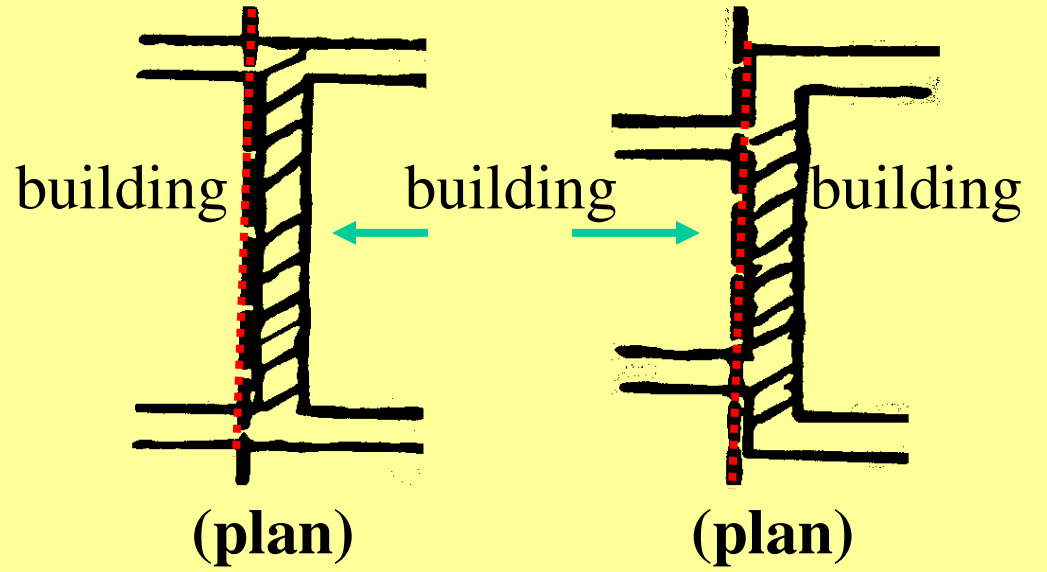
Party walls type (a)

PARTY WALLS Type (b)



E

F



G

H