

Feedback / Feedforward

Party Walls

Party Wall Overview

It should be remembered, that Chartered Surveyors need to follow the RICS Guidance Notes on party walls. We would refer you to the Party Wall Claret Book, which is a good simple guide that you should understand and which we would suggest you work through and know. We also recommend further reading on the Pyramus and Thisbe Green Book and John Anstey / Graham North publications. There are several very readable books in the series 'Party Walls and Other Disputes'. In some cases, with party walls there are a variety of answers to the issues, being debated by the party wall experts and there are various websites where you can see discussions going on with regard to party walls and join in on-line forums for example the RICS forum which is free to join

More Questions for You

We have added additional questions in the Feedback / Feedforward sheets for you to work through.

Remember all this information is available by accessing www.1stAssociated.co.uk website, right hand side.

Good luck with your studies.

Regards

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Party Wall Feedback / Feed Forward Sheets

Feedback / Feed Forward Sheet One

Party Walls etc Act 1996

Question 1:

Explain what the Party Wall Act relates to in about 20 words

Answer 1:

It gives a system of dealing with work being carried out on a party wall or nearby structure by the Three to Six Metre Rules. Of course, you need to know what a party wall looks like.

New Question 1:

Draw the various types of party walls.

Question 2:

Complete the ? :

Building Owner and ? are the parties involved in a Party Wall Award and the Party Wall surveyors would need to agree and appoint a ?..... surveyor

Answer 2:

The Building Owner and Adjoining Owner are the parties involved in a Party Wall Award and the Party Wall Surveyors would need to agree and appoint a Third Surveyor.

We would further add that the Third Surveyor needs to be appointed before a dispute arises, therefore best practice to appoint as soon as the building owner and adjoining owner's surveyors are appointed.

New Question 2:

Write down the different parties involved in a party wall dispute and explain what they do.

Party Walls Feedback / Feed Forward Sheets

Feedback / Feed Forward Sheet Two

Party Wall etc Act 1996

Question 1:

Building and are the names usually given to the owners involved in a Party Wall Award

Answer 1:

Building owner and adjoining owner are the names usually given to the owners involved in a Party Wall Award, often abbreviated to BO and AO; the surveyors for each being abbreviated to BOS and AOS.

Question 2:

Explain what a Third Surveyor is

Answer 2:

This surveyor is appointed as a surveyor with good knowledge of the Party Wall Act who can help guide the building owner and adjoining owner's surveyors to come to a decision on any matters they disagree upon.

Question 3:

Explain what an Agreed Surveyor is

Answer 3:

An Agreed Surveyor acts upon behalf of both parties. They are relatively rare, as normally the building owner and the adjoining owner are likely to have their own party wall surveyor. Remember, in some instances although there will one building owner surveyor there could be many adjoining owner surveyors; for example, think of a block of flats.

Question 4:

What does Section One of the Party Wall Act relate to?

Answer 4:

Section One deals with the line of junction the building owner is using the whole of his land and not previously built on situation. Read more about it in the Party Wall Act itself or in the Pyramus and Thisbe Club Green Book.

Question 5:

What does Section Two relate to?

Answer 5:

Section two deals with party wall matters on the line of junction where previously built on. Again, more detail can be read in the Party Wall Act or the Green Book.

Party Walls Feedback / Feed Forward Sheets

Feedback / Feed Forward Sheet Three

Party Walls etc Act 1996

Question 1:

What are the terms used for the different sort of clients you could have when carrying out a party wall case?

Answer 1:

Building owner and adjoining owner

Question 2:

Define what an agreed surveyor is and what a third surveyor is

Answer 2:

See previous comments

Question 3:

Explain what a line of junction is

Answer 3:

It's the term used for the line of a boundary. Remember this boundary can be between buildings and a wall or in a floor or ceiling.

Question 4:

Explain what a three and six meter notice is.

Answer 4:

This refers to the distance between foundations. It needs to be considered together with an angle of 45°. See the Claret Book

Party Walls Feedback / Feed Forward Sheets

Feedback / Feed Forward Sheet Four

Party Walls etc Act 1996

Question 1:

On the back of this page name the eight (or is it ten) different types of clients and surveyors that could be involved with a Party Wall Award and what they do.

Answer 1:

The building owner – owns a building

The adjoining owner, this could also be a leaseholder of more than 12 months

Appointed surveyor – this is prior to Party Wall Act being instigated and when you as a surveyor are in an advisory stage.

Building owner's surveyor and adjoining owner's surveyor – not working for but enabling the Party Wall Act.

Third surveyor – appointed jointly by the building owner and adjoining owner's surveyor.

Agreed surveyor – relatively rare type of surveyor, enables the act for both parties.

In addition to this, you may also have engineers involved to give specific advice

Question 2:

What are the advantages of each side having a surveyor?

Answer 2:

For the client they have a surveyor they can refer any questions to and get answered. Remember, in theory, party wall surveyors should not be acting for the appointing building owner or adjoining owner. This is why they are terms appointing rather than as a client.

Question 3:

How many days do you have to appeal a PW Award?

Answer 3:

See Claret Book and flowchart on the website. There are 14 days to appeal a court case.

Question 4:

When would you use a schedule of condition – who would prepare the SofC and what do you need to check for as well as dogs named Fang?

Answer 4:

The Schedule of Condition should be prepared where there is a possibility that damage can be caused. Whichever side we are appointed by we would wish to prepare the Schedule of Condition and have the opposite number then check this, though equally it can be carried out jointly, although this does tend to be time consuming as items are discussed as you go along.

Question 5:

What is a special foundation?

Answer 5:

A foundation with reinforcement in, or a bored hole piled foundation would be considered as special and therefore what would happen? The AO's surveyor would be sent details by the BO's surveyor and calculations to approve as necessary / as requested and including the dates that such work will commence.

Question 6:

Easements Section 9

Can I cut the new flue off to a boiler if it comes over the line of junction and the sill too to the sliding sash window in the same wall?

Answer 6:

In theory, they would be trespass; also known as permanent trespass. You can come to an agreement to pay for the trespass. Ultimately, if you consider for example an extract flue discharges upon the kitchen into your boundary. It could be put that an annual charge for obtaining the "permission" to trespass in perpetuity (which means forever),

Question 7:

When, or why, can you (or Jim) break into a property under the PW Act (with a police officer)?

Answer 7:

In theory, the Party Wall Act does allow you access to the adjoining property, although we are aware of surveyors that have tried this and have not had any success. This is most likely to happen where an owner is not traceable, but of course send notices to the property and fix them on the property prior to looking at this option.

Question 8:

How many different types of notice do you have under the PW Act – name them.

Answer 8:

There are six different types:

1. Line of junction – reference the Party Wall Act, Section 1(2).
2. Party Structures Notices – reference the Party Wall Act, Section 2(A).
3. Counter Notice
4. Purity of the rights between parties. Where an AO may suffer financial loss work is left unfinished, for example if a dormer roof was added to a property and doing this roof tiles were removed but not replaced, or alternatively the demolition of an adjoining building exposing a party wall to the elements which weren't previously exposed to the elements and may allow dampness in. Reference the Party Wall Act, Section 12(1).
5. If the adjoining owner wishes to use the wall costs may be defrayed. The building owner has got to send accounts within two months for the AO's surveyor and the BO's surveyor to agree. Defray can be in whole or in part, i.e. the adjoining owner wishing to utilise all of the wall of part of the wall – Party Wall Act, Section 13(1).
6. Methods of serving the notice, which can be contacting via a post, putting an advert in a newspaper or fixing it to the adjoining structure – reference Party Wall Act, Section 18(1).

Party Walls Feedback / **Feed Forward Sheets**

Feedback / Feed Forward Sheet Five

Party Walls etc Act 1996

Question 1:

What happens if the adjoining owner does not respond to the building owner's notice?

Answer 1:

A dispute has been deemed to have arisen and ultimately the building owner's surveyor can appoint a surveyor for the adjoining owner.

Question 2:

When do the BO and AO surveyors appoint a third surveyor and why?

Answer 2:

As soon as possible. Generally, as soon as the BO's surveyor is aware of the AO's surveyor. The BO's surveyor is normally appointed first.

Question 3:

Draw the five types of party walls and structures on the back of this page.

Answer 3:

Refer to the Claret Book.

Question 4:

Explain or draw what Section One relates to.

Answer 4:

Section One deals with the line of junction where the Building Owner is using the whole of his land that has not previously been built on. We refer you to the Claret Book for further information.

Question 5:

Explain or draw what Section Two relates to.

Answer 5:

Section two deals with the line of junction where previously built on. We would refer you to the Claret Book for further information.

Question 6:

Explain or draw what Section Six relates to.

Answer 6:

Section Six deals with the BO building being constructed three and/or six metres from the AO's property, with special consideration in both cases put upon the foundations depths. Please see the Claret Book.

Party Walls Feedback / **Feed Forward Sheets**

Feedback / Feed Forward Sheet Six

Party Walls etc Act 1996

Question 1:

Advise your client about the Party Wall Act (in about 20 words).

Answer 1:

Refer to your earlier answer

Question 2:

What do Sections 1, 2 and 6 relate to?

Answer 2:

See the Claret Book or previous answers

Question 3:

Draw the five different types of party wall structure.

Answer 3:

We refer you to the Claret Book.

Question 4:

In a 3 metre Notice does the line of junction have to be three metres away?

Answer 4:

Yes. We refer you to the Claret Book.

Question 5:

Does a Section 6 Notice apply if the foundations don't go lower than the adjoining property?

Answer 5:

See Claret Book

Question 6:

Why would you recommend a Schedule of Works?

Answer 6:

This is where party wall work is likely to cause disturbance to the adjoining owner's property.

Party Walls Feedback / **Feed Forward Sheets**

Feedback / Feed Forward Sheet Seven

Party Walls etc Act 1996

Question 1:

Explain what a party wall surveyor does for the BO (in approximately 20 words)

Answer 1:

The party wall surveyor is acting for the BO and carries out all the duties required to facilitate the enabling of the Party Wall Act and inspects the adjoining owner's property after issuing Notice (as a joint surveyor or with AO's surveyor), prepares a Schedule of Condition and issues Award with AO's surveyor (if appointed). Both signs and issues Award and agrees with AO's surveyor a third surveyor in case of dispute, respects/agrees with AO's surveyor any party wall matters during construction.

Party Walls Feedback / **Feed Forward Sheets**

Feedback / Feed Forward Sheet Eight

Party Walls etc Act 1996

Question 1:

Explain what a party wall surveyor does for the AO (in approximately 20 words)

Answer 1:

The adjoining owner's party wall surveyor generally meets with the BO's surveyor (after being appointed by the AO), agrees the Award after it's been produced and signs the Award. Makes himself available for AO problems and agrees solutions with BO's surveyor or can refer to a third surveyor for advice/solutions.

Party Walls Feedback / **Feed Forward Sheets**

Feedback / Feed Forward Sheet Nine

Party Walls etc Act 1996

Question 1:

Explain party walls

Answer 1:

A party wall is a wall or part structure that is shared by two or more owners. The Party Wall Act gives various rights and protection for each of the parties involved.