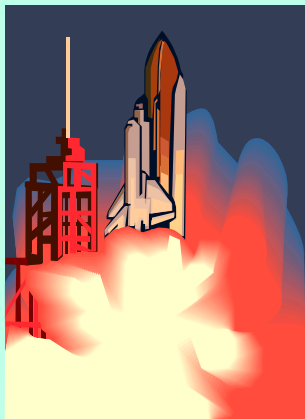


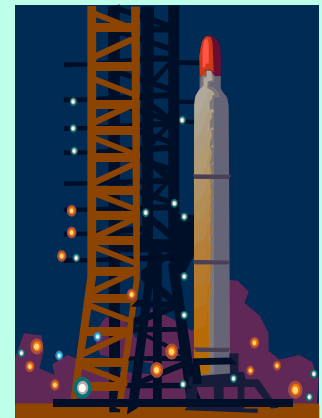
# *Final Count Down*

## *Last week*

### *Party Walls*

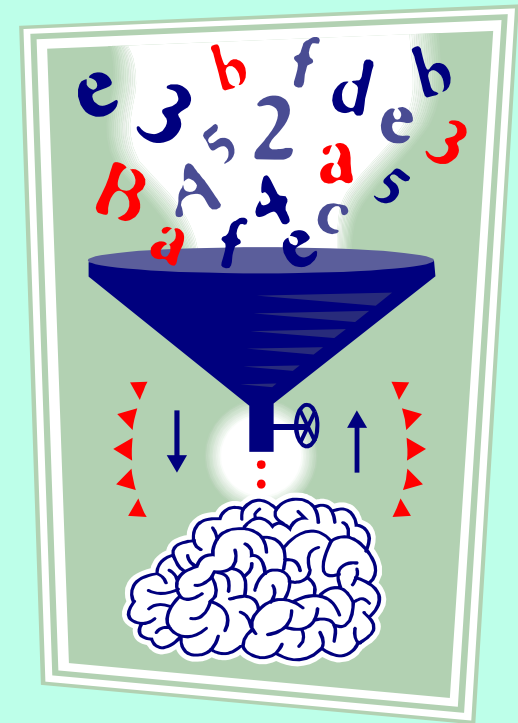


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# What Learning's about

1. **Start level – Memorising and repeating**
2. **Basic level – Understanding and repeating**
3. **Average level – Thinking and applying**



# What are exams about?

1. **Start level – Memorising and repeating**
2. **Basic level – Understanding and repeating**
3. **Average level – Thinking and applying**



# Getting Great exams results?

**3. Average level –  
Thinking and applying**



**4. Developing and  
communicating a  
good critical view**



**5. Broadness of view  
Illustrated with case  
law or relevant GN &  
PN**



# Test and Measure Yourself

- Have a plan of revision
- Review and amend the plan!
- Don't lose sight of your goal
- GOAL = To pass the exam –  
so test yourself on exam  
style questions



# Disputes – Party Walls

## Resources for you –

- **Disputes – Party Walls**
- **Any (every) book by John Anstey on Party Walls**
- **[www.DisputesHelp.com](http://www.DisputesHelp.com)**



# Party Wall Act etc 1996

- **Designed to resolve problems in a dispute situation and primarily to aid development**
- **The adjoining owner can't stop the rights only influence the work and time**



# Party Wall People - Parties

- **BO = Building Owner = BO**
- **AO = Adjoining Owner or several Adjoining Owners = AO**

**And Party Wall surveyors**

- **BO PW surveyor**
- **AO PW surveyor**
- **Third Surveyor or**
- **Agreed PW surveyor**





# Party (Shared) Walls - what it's not about

- Not minor stuff – for example
- Small screw fixing
- Cutting in electric cables
- Question: Adding an injected dpc?



# Party Wall Process

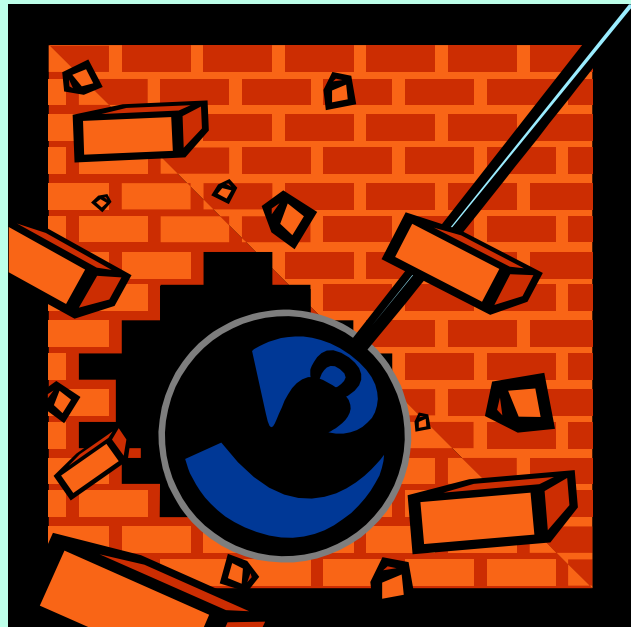
1. **Client rings for advice/ quote**
2. **Talk to client explain your PW role BO or AO**
3. **Confirm instruction and T & Cs**
4. **Gather available information, drawings, specification**
5. **Inspect property use site notes and use PW flow charts**
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8. **Meet other surveyor**
9. **Negotiate and agree produce notice use PW flow chart**
10. **Negotiate and Disagree and refer to Third Surveyor or ADR or court**
11. **Monitor work to ensure as agreed and 8 to 11 until completed**

# Two skills Surveyors need

- The Party Wall legal process - the Party Wall etc Act 1996
- The skilled use of the PW knowledge

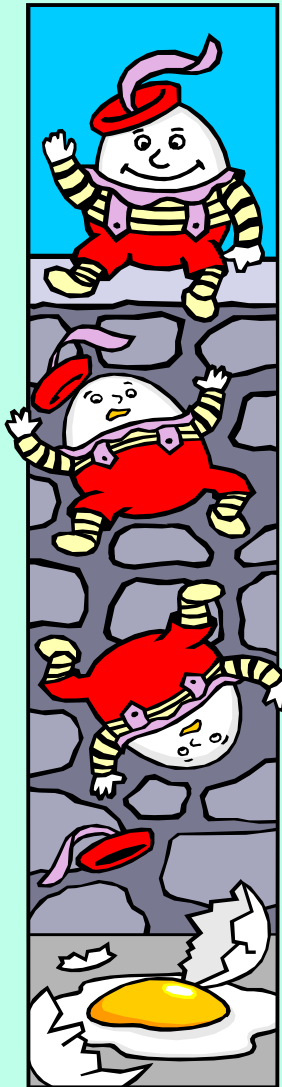


# The five types of Party Wall



**You need a Party Wall  
for the Party Wall act to  
be relevant**

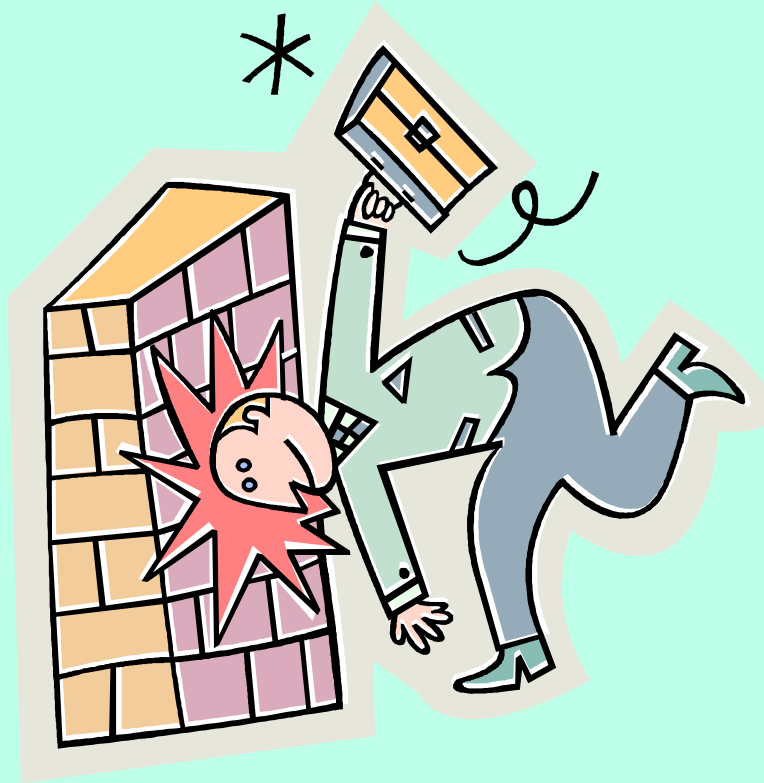
# What do Party Walls look like



## Five types:

- 3 Common Sense
- 2 Uncommon Sense

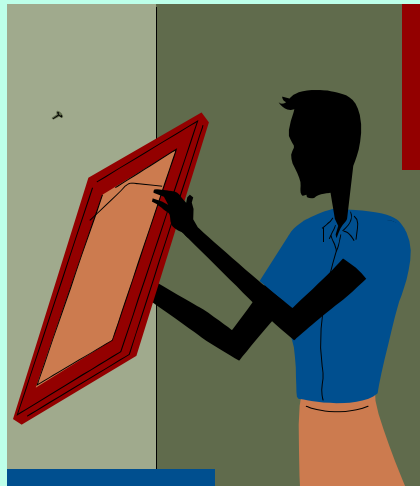
# Common Sense Party Walls



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# 1

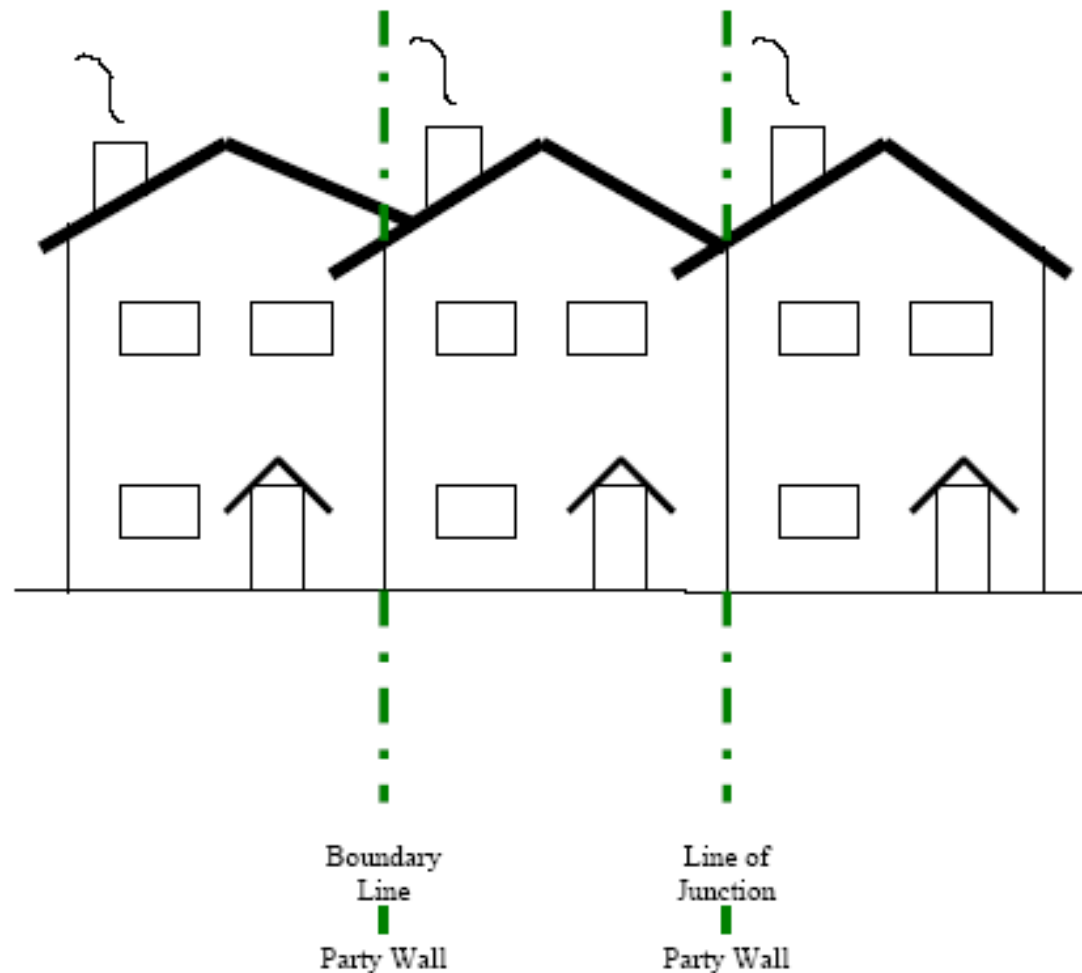
## 1. A wall that separates two buildings on the boundary line



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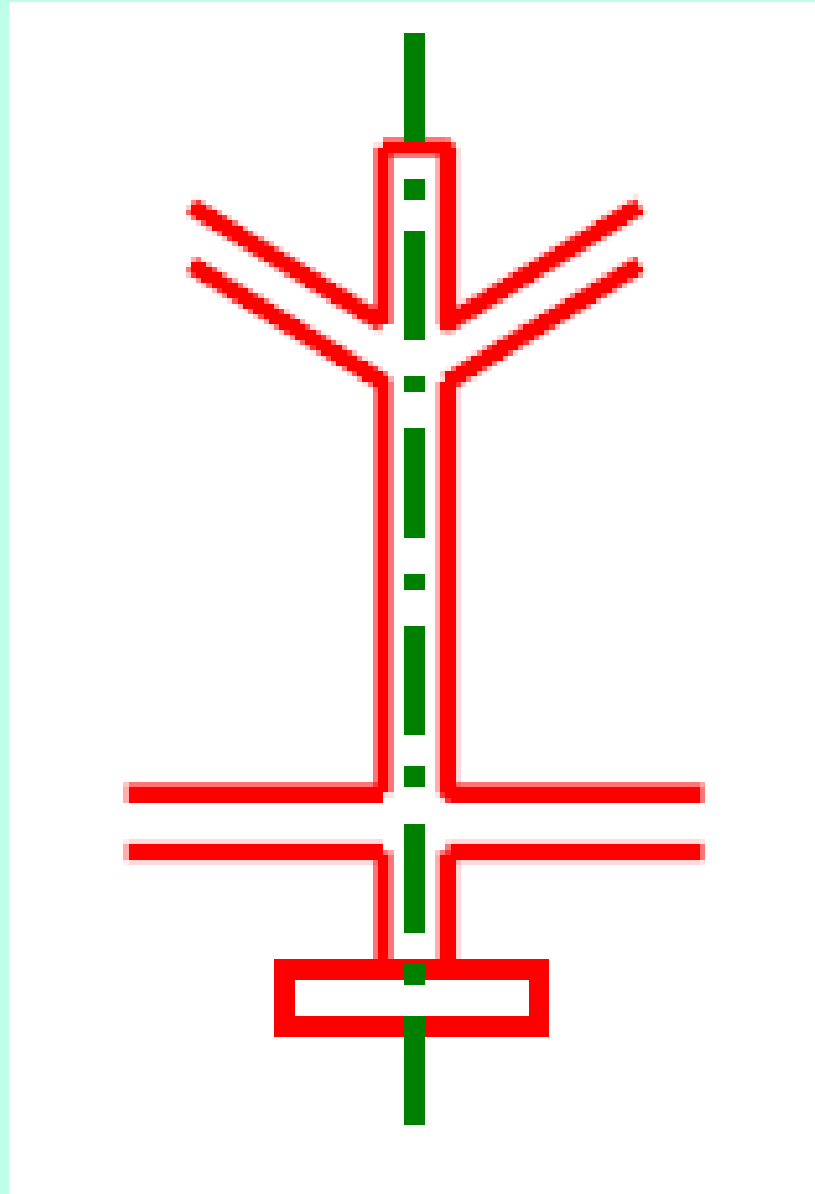
# 1/ Elevation

Party Wall Separates Two Buildings (or More)





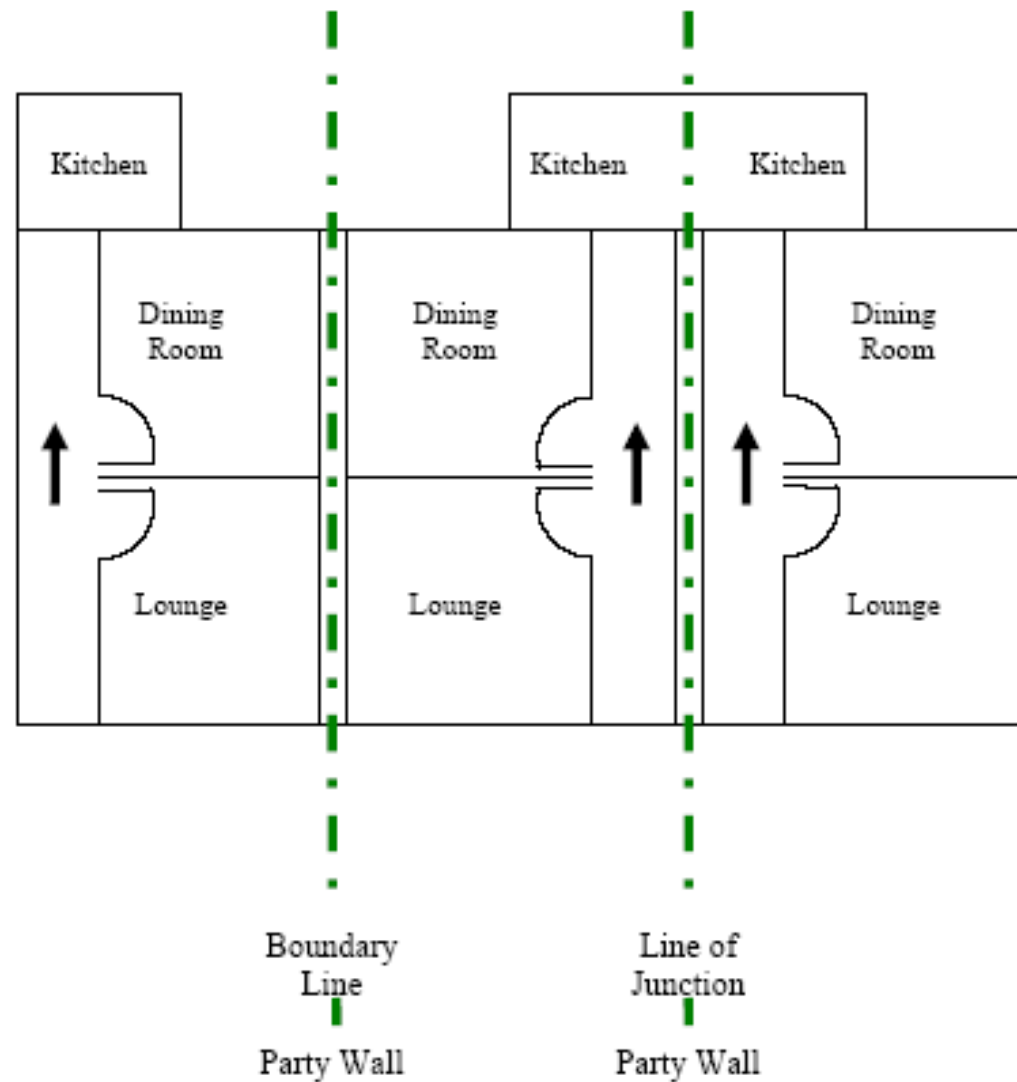
# 1/ Separates two buildings (or more)



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# 1/ Plan

Party Wall Separates Two Buildings (or More)



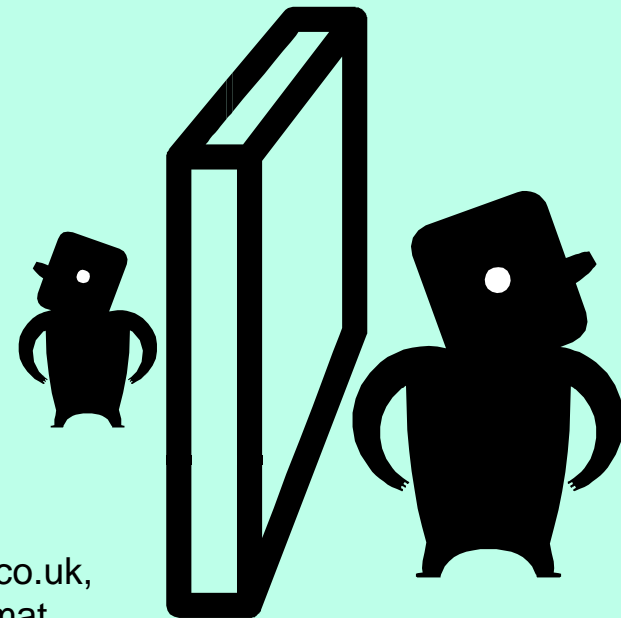
**It's been said that Party Wall  
surveyor acts for the Party Wall!  
So make sure it is a party wall.**



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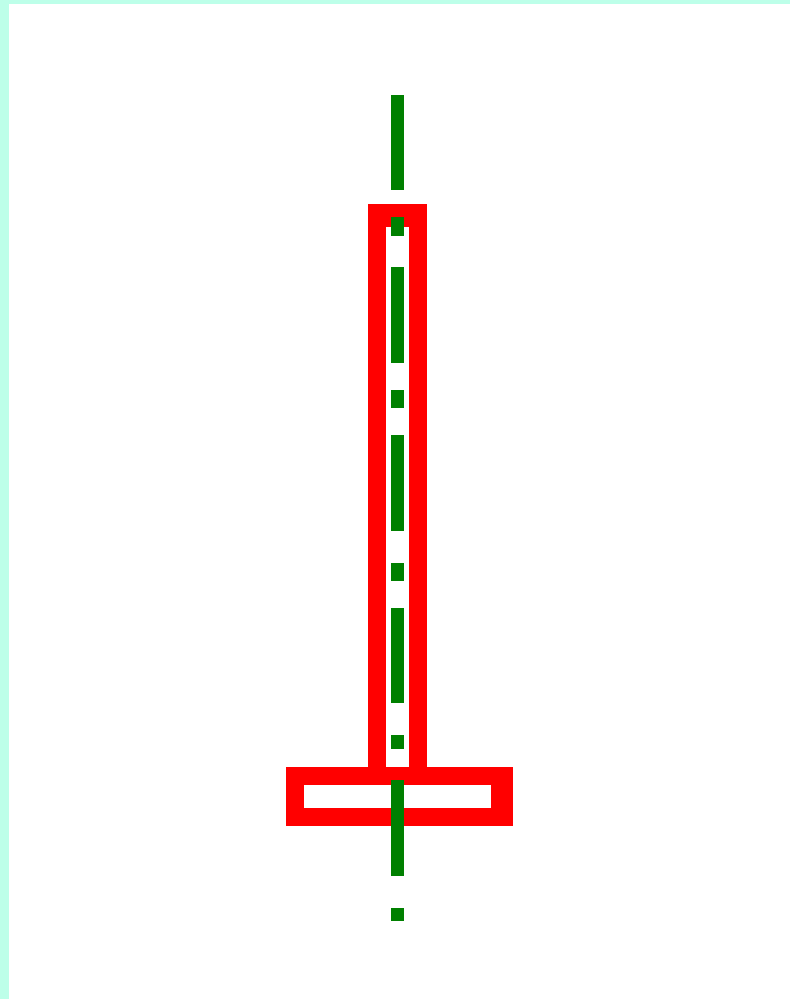
2

**2. And a wall not part of the building  
but separates different owners  
know as a Party Fence**



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## 2/ Party Fence Wall- Not part of a building but separates different owners



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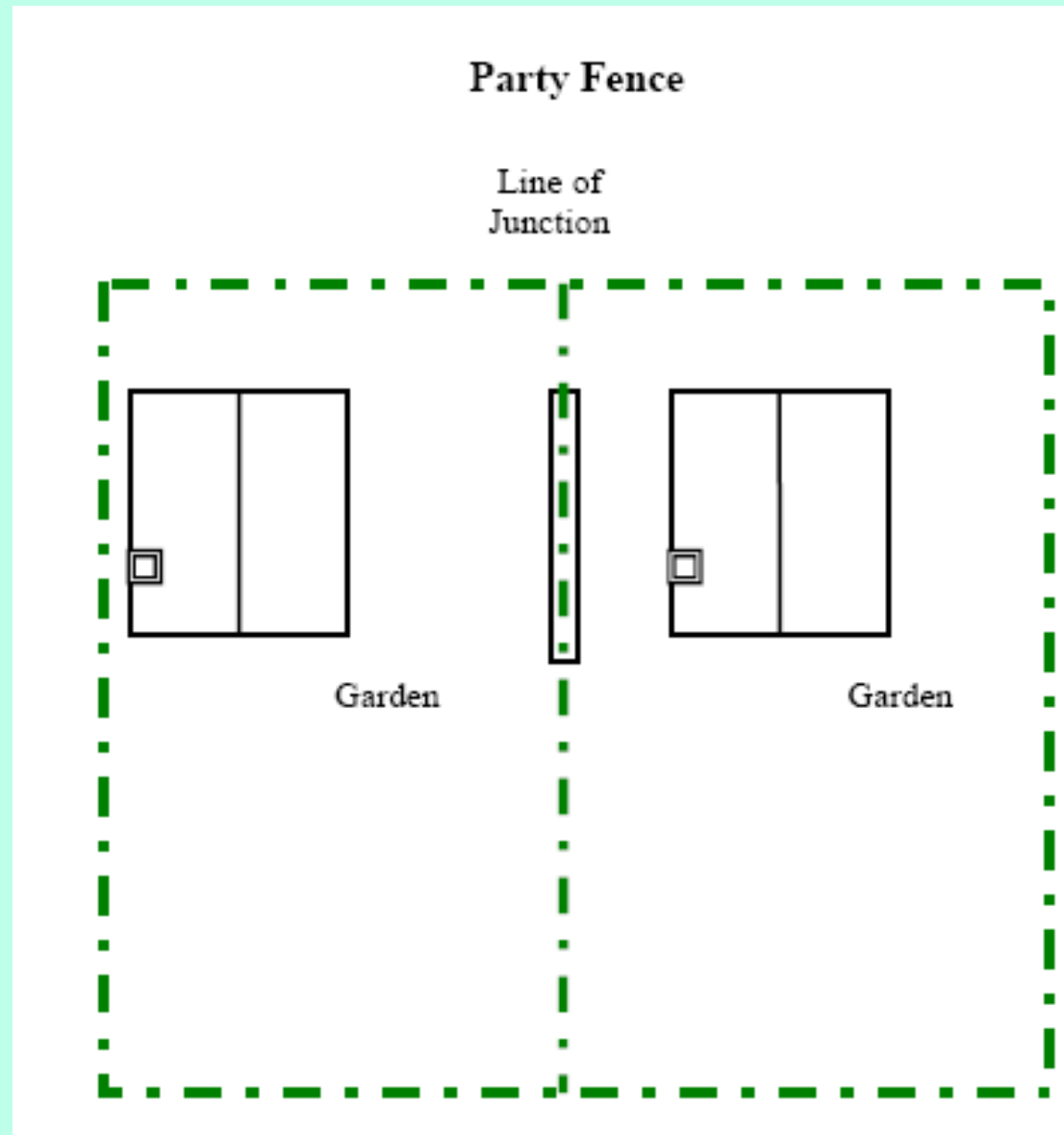
# Party Fence Wall

**This is sometimes known as a  
courtesy wall by neighbours on  
residential properties**



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## 2/ Plan – Party Fence Wall



without express written permission

## 2/ A Party Fence Wall



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# Complying with the Party Wall Act does not mean that you don't have to comply with Planning Permission or Building Regs



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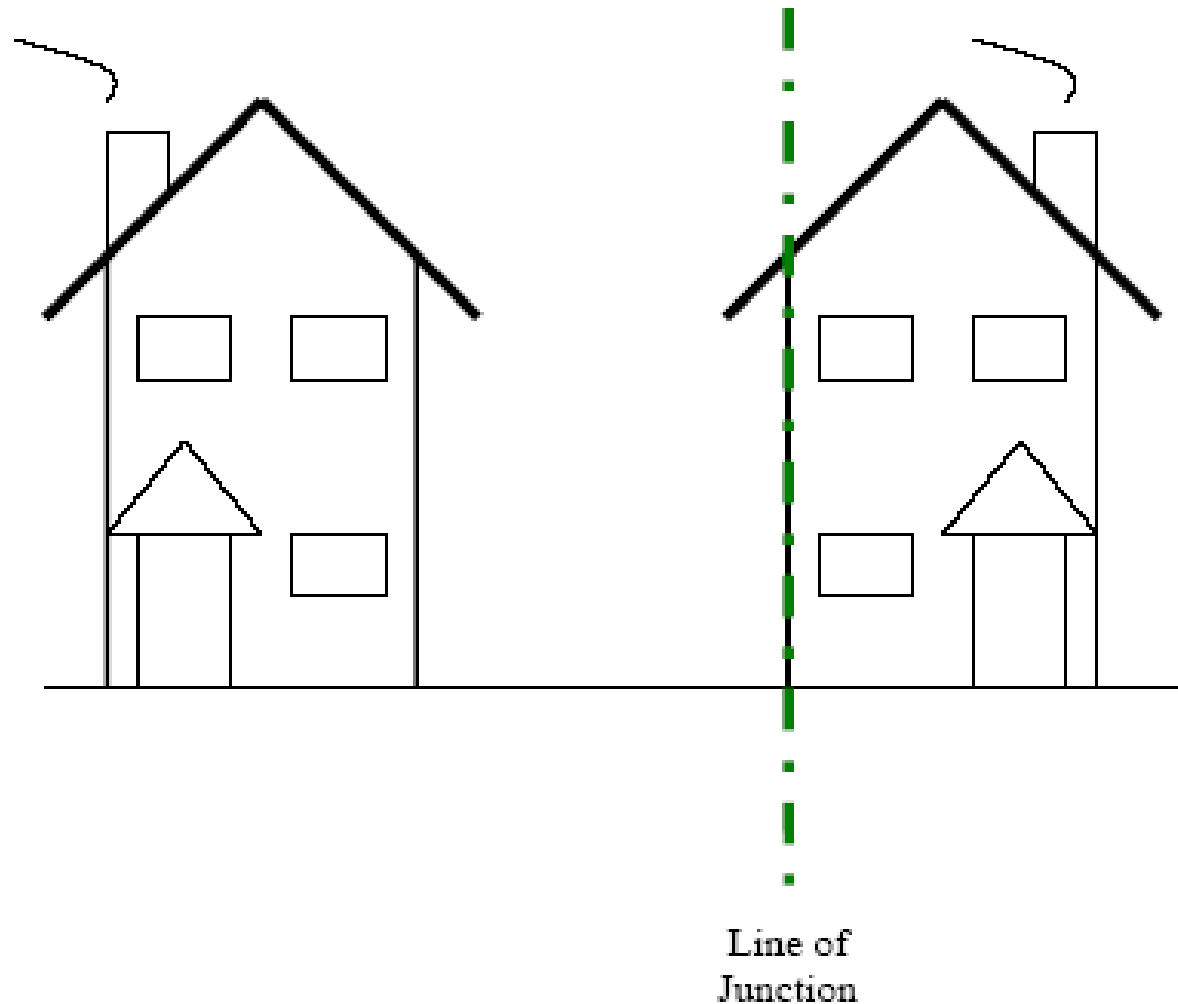
3

**A wall that's part of one building on the boundary line (but could be used by a neighbouring owner)**



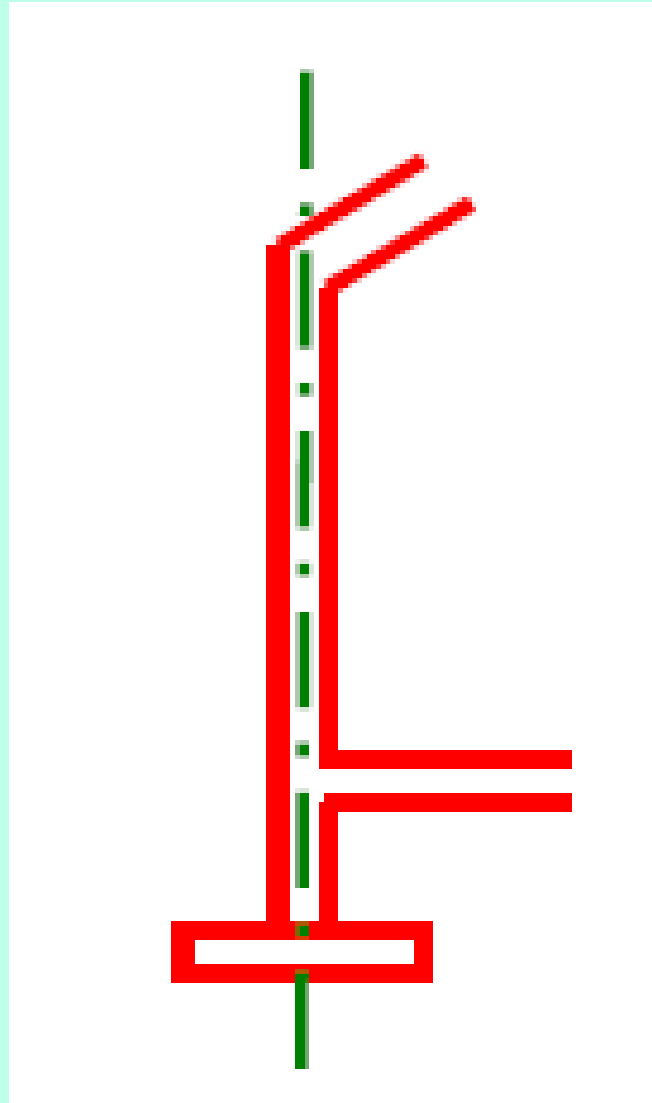
# 3/ Elevation

Party Wall Part of One Building



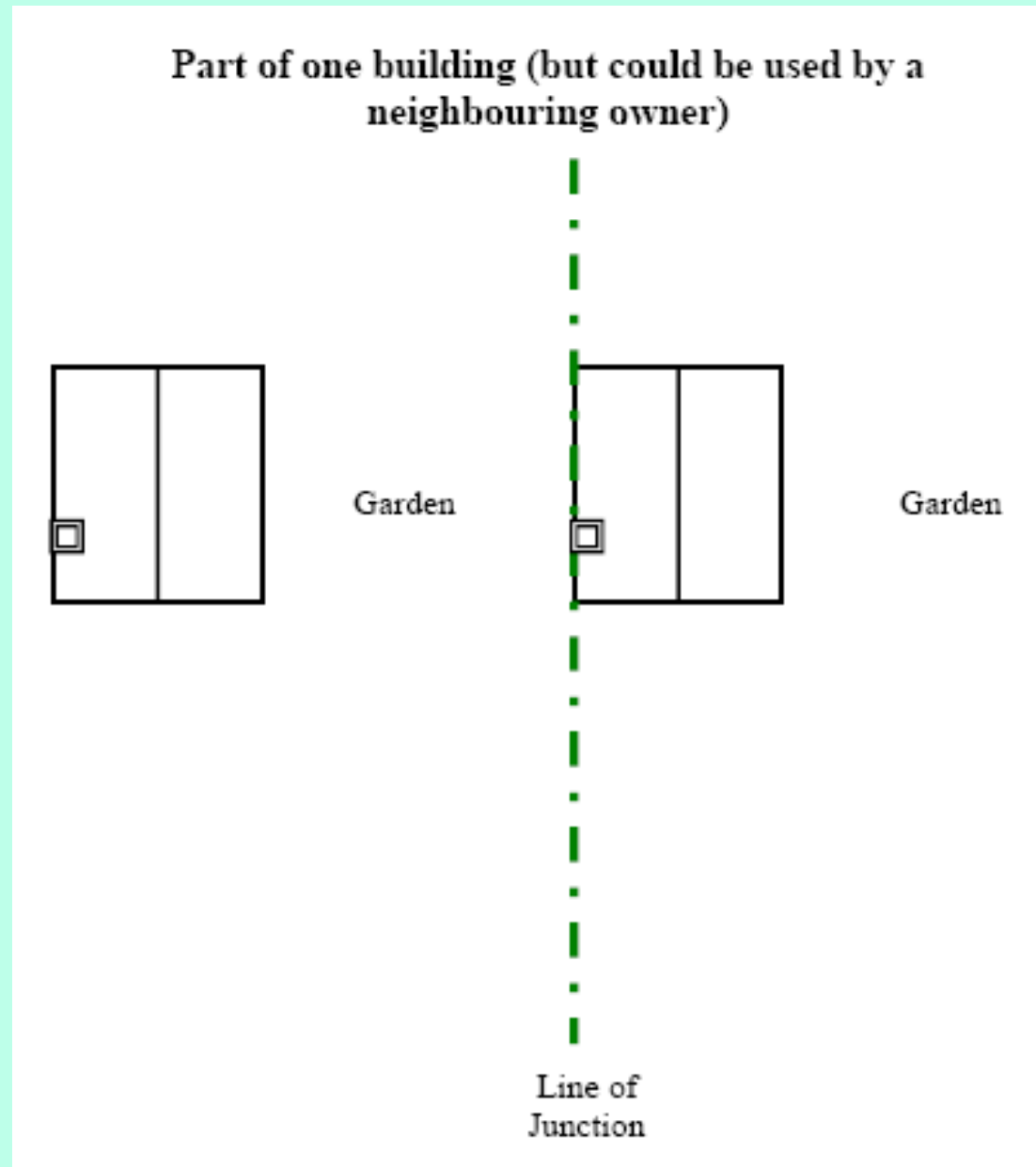
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### 3/ Part of one building (but could be used by a neighbouring owner)



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# 3/ Plan

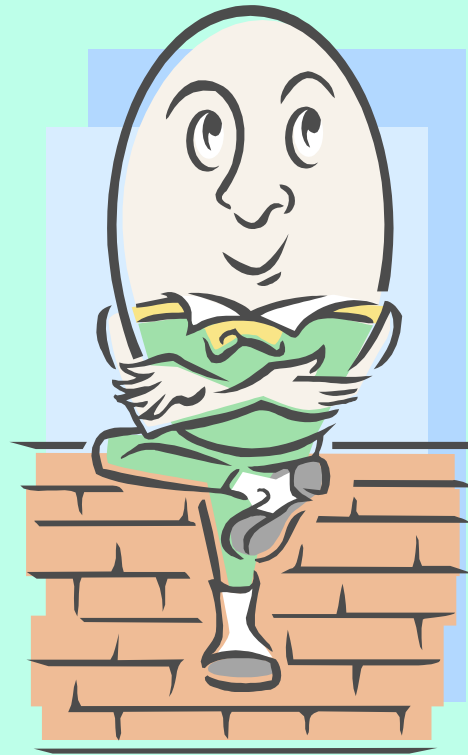


without express written permission

# Complying with Planning Permission or Building Regs does not mean that you don't have to comply with the Party Wall Act



# Uncommon Sense Party Walls



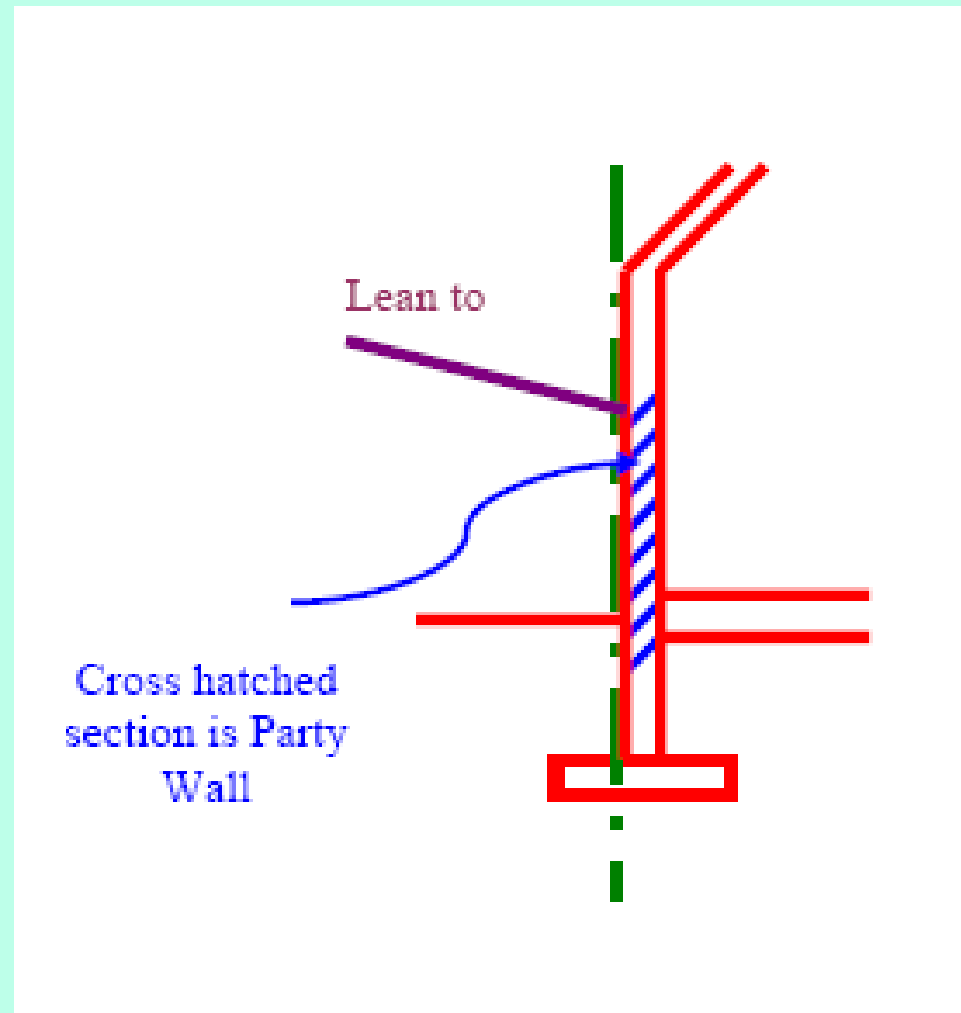
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4

**Wall wholly on owners land but  
is used by two (or more) owners  
to separate the buildings**



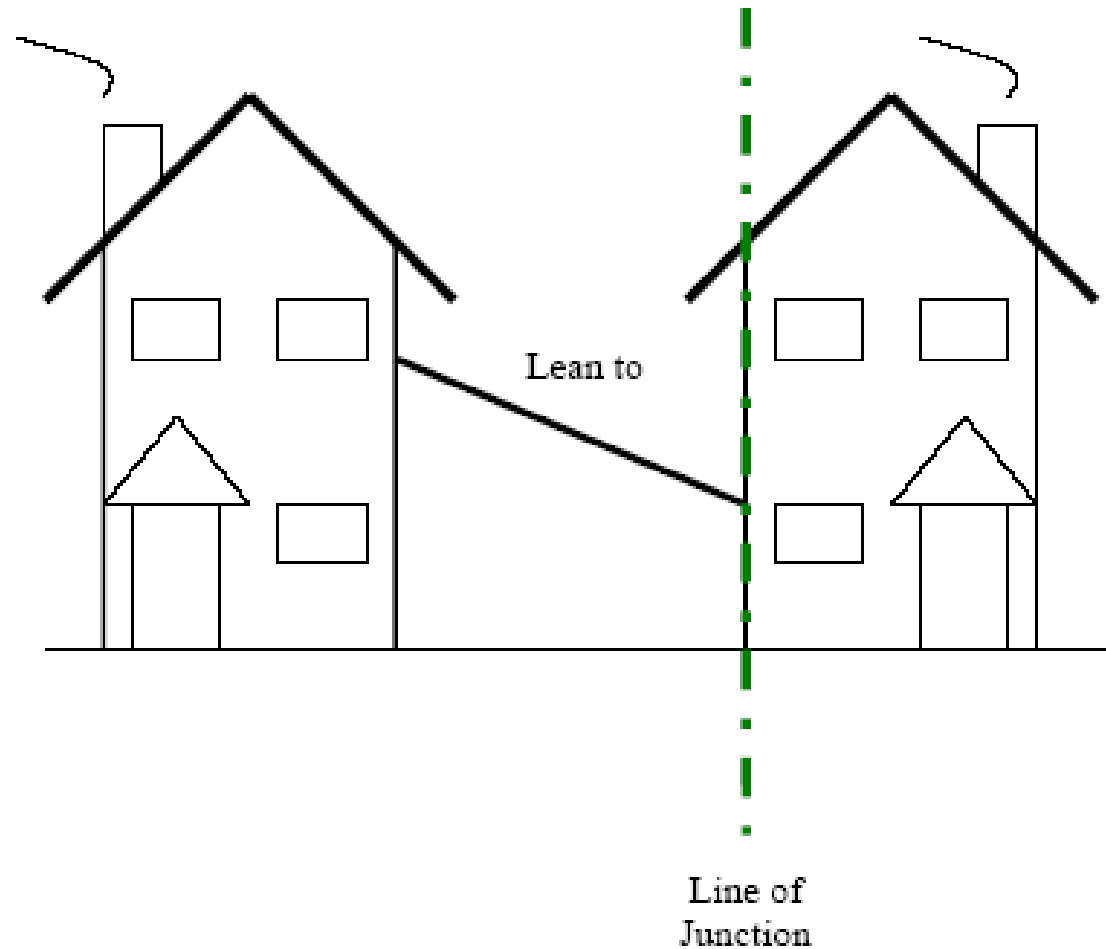
## 4/ Wall wholly on owner's land but is used by two (or more) owners



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without express written permission

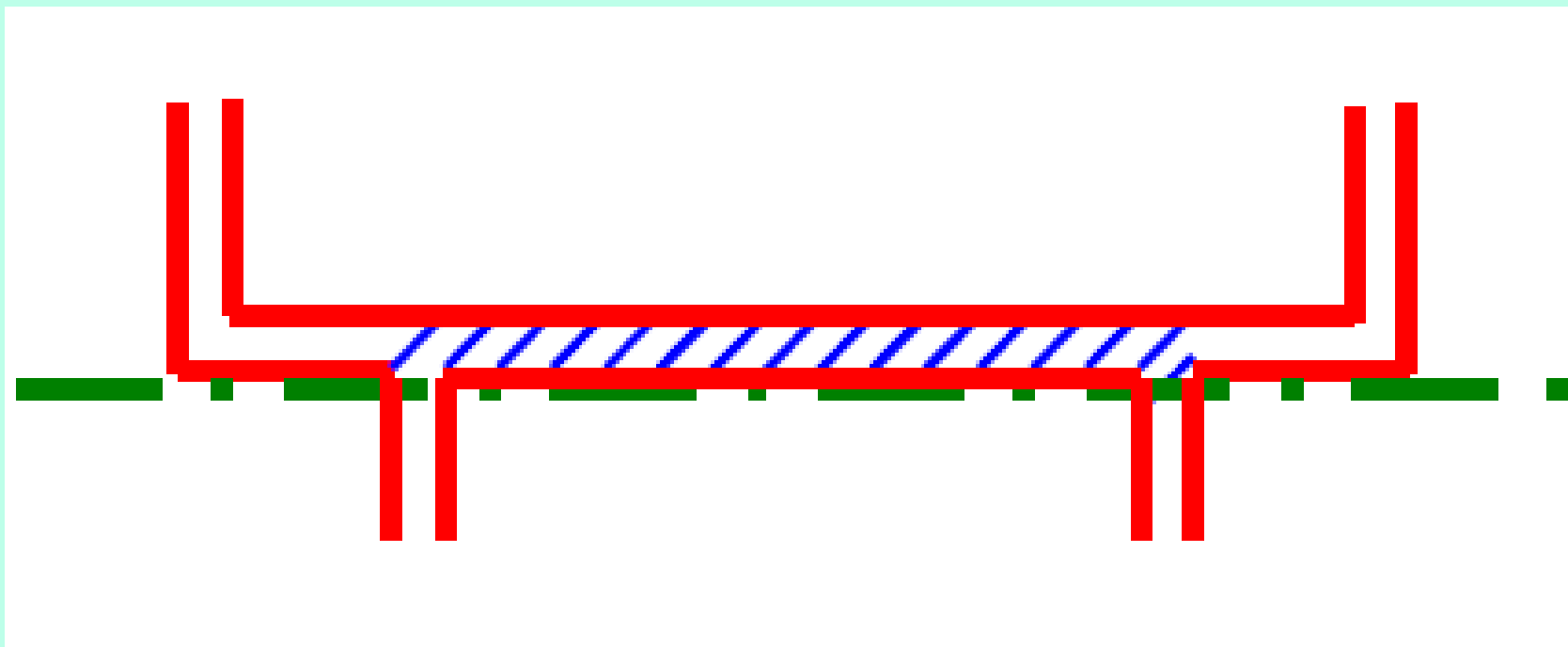
## 4/ Elevation

Wall wholly on owner's land but is used by two (or more) owners to separate their building



without express written permission

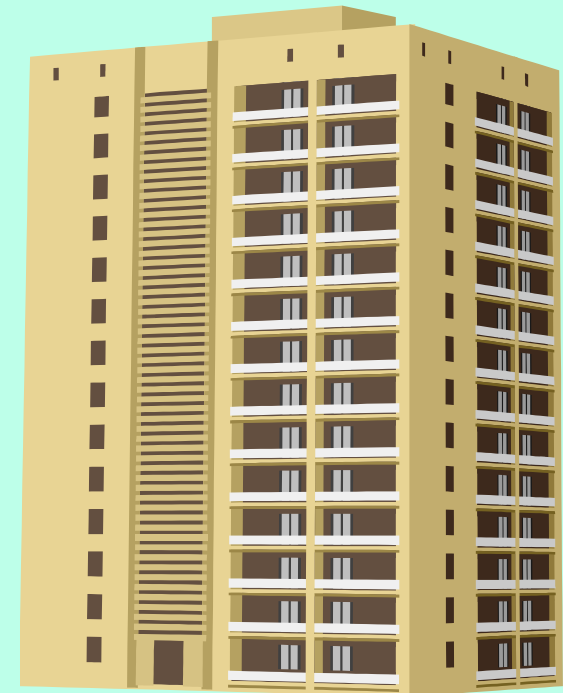
## 4/ In Plan view



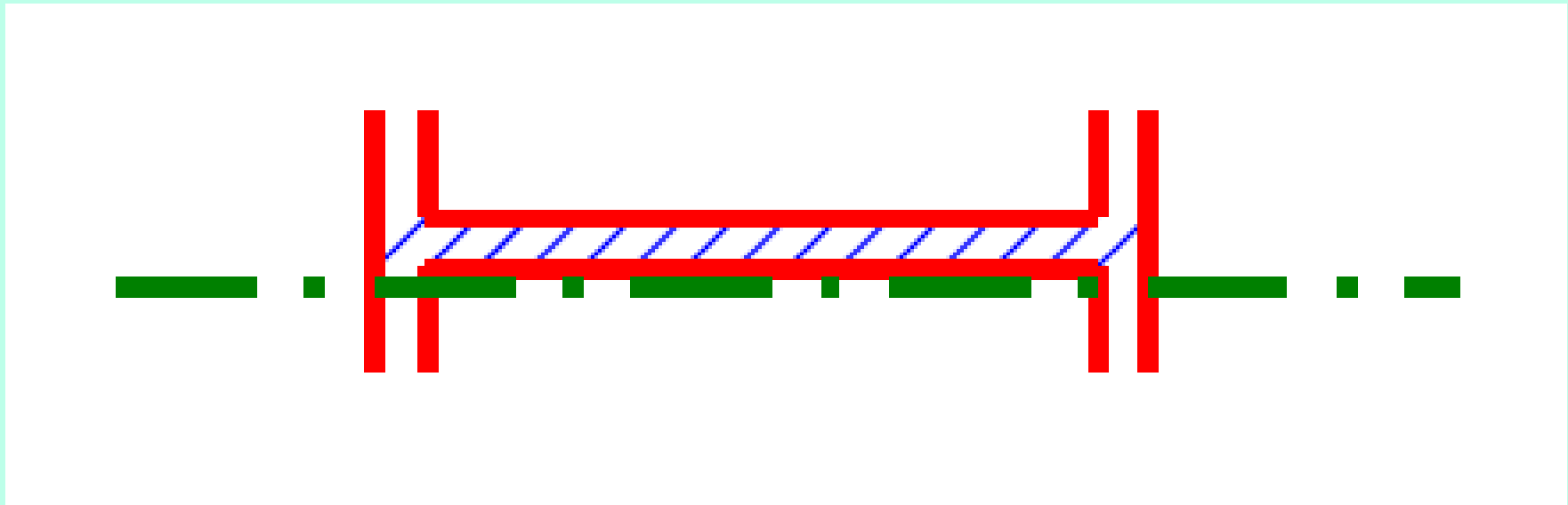
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5

**A wall or floor  
separating buildings  
or parts of buildings  
by a separate stairs or  
entrance (example  
flats)**

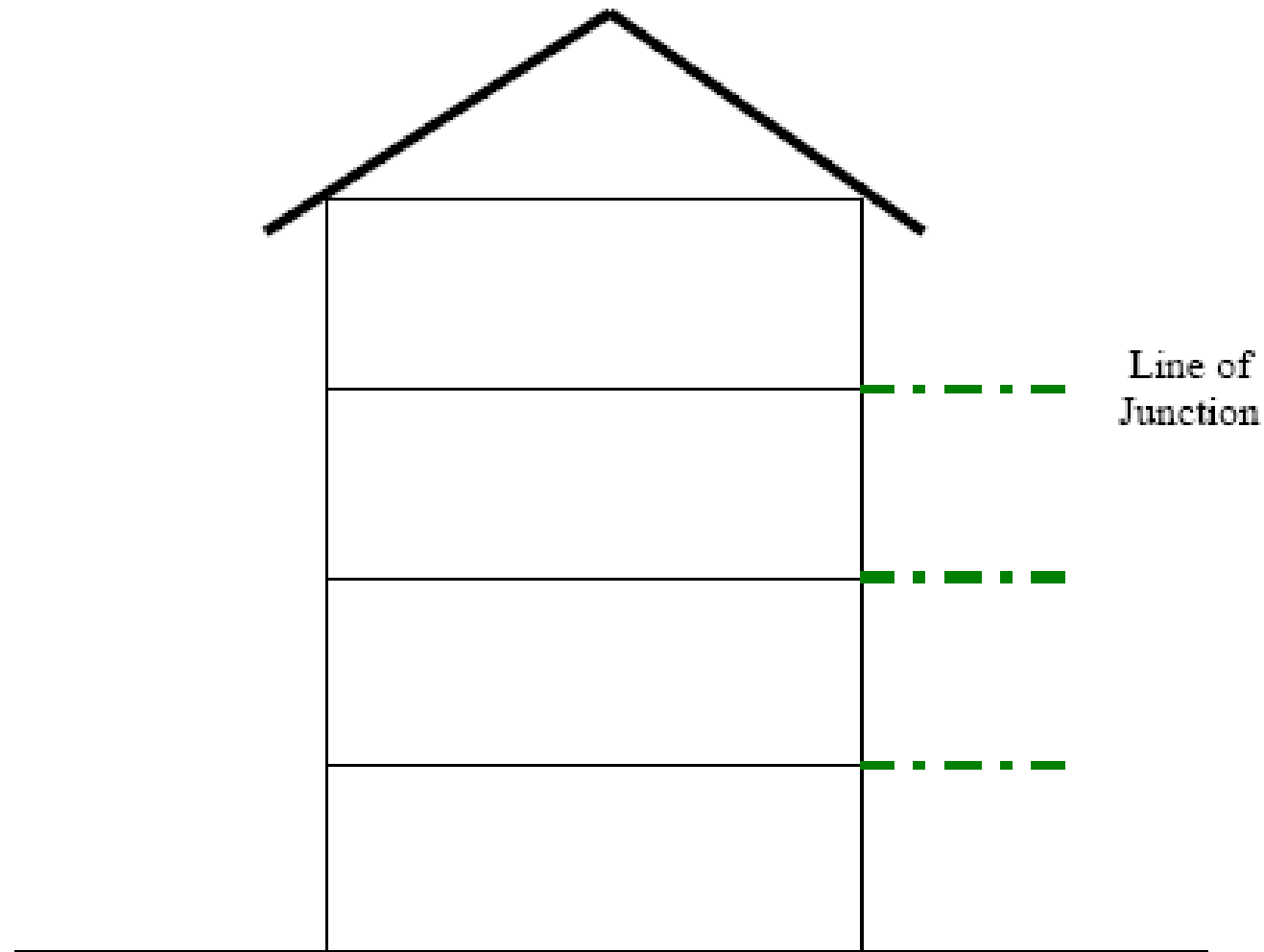


## 5/ A separating floor in elevation



# 5/ Elevation

## A Separating Floor - Party Structure



# 5/ Party Structure



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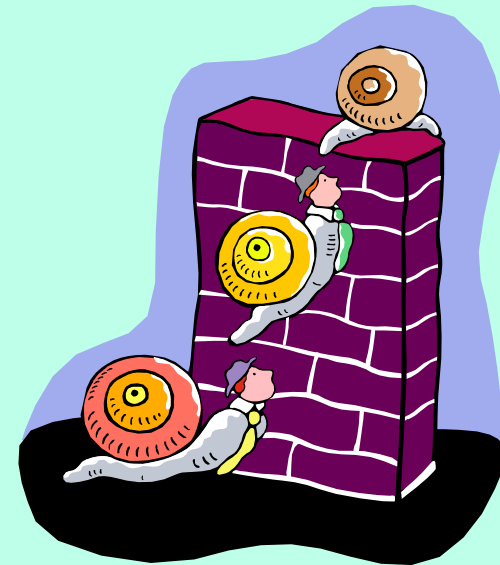
# Party walls some facts

- Originally London wide for over 300 years old and also used in Bristol
- London Building Act 1894 and 1939 included the Party Walls
- Party walls etc act 1996 PW apply to England and Wales from 1996
- Pyramus & Thisbe club, Faculty of Party Wall surveyors both offer education for the Party Wall surveyor

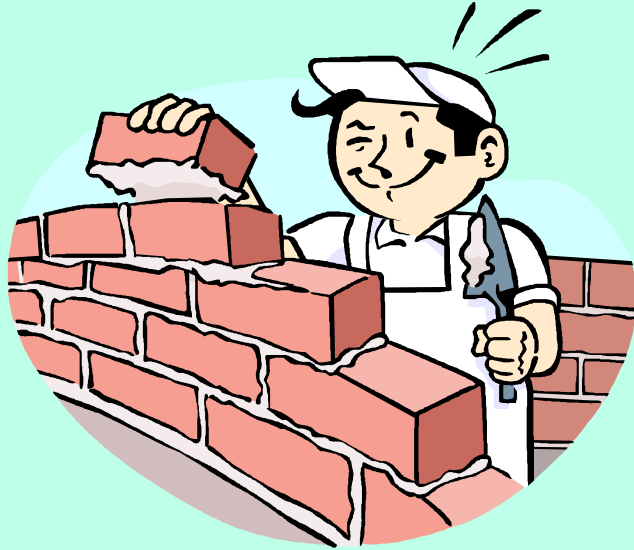


# Web site

- [www.partywalls.org.uk](http://www.partywalls.org.uk)
- [\*\*www.DisputesHelp.com\*\*](http://www.DisputesHelp.com)
- **Can you find any other PW web sites?**



# Goal - Plan - Action



- **Goal - Understand Party Wall etc Act 1996**
- **Plan - use active learning**
- **Action - Do lots and lots of examples**

# Party Wall Process

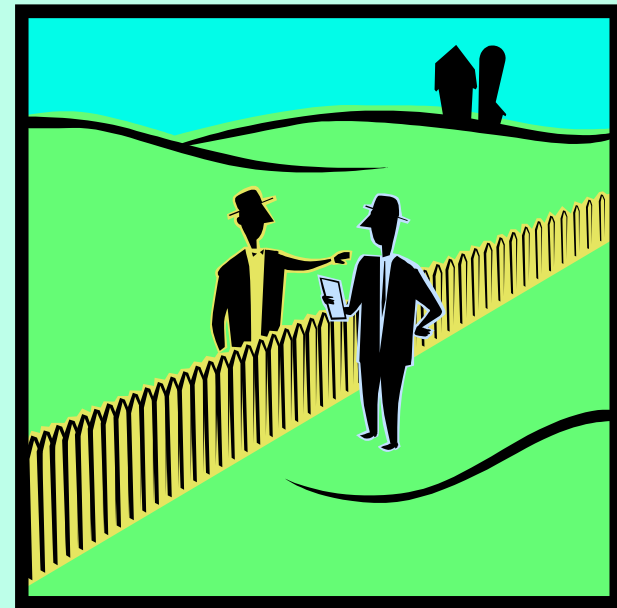
1. **Client rings for advice/ quote**
2. **Talk to client explain your PW role BO or AO**
3. **Confirm instruction and T & Cs**
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10. **Negotiate and Disagree and refer to Third Surveyor or ADR or court**
11. **Monitor work to ensure as agreed and 8 to 11 until completed**

# Who's involved?

- **Building Owner**

**And**

- **Adjoining Owner**



# Who's the adjoining owner?

- A freehold or leaseholder adjoining (possibly both)
- Often not working to the same time scales as the building owner who wants his building built!
- So watch the time scales - the Act requires you to meet the adjoining owner



# Who are Building Owners?

## Defined in the Party Wall Act have a look



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# Surveyor's Role



- Building owner's Surveyor
- **Adjoining owner's Surveyor**

Or you're the judge

- Agreed Surveyor
- Third Surveyor (if the two PW surveyors disagree)

# Talk is good

- Before the PW surveyors are appointed they need to talk to the instructing client
- Talk when they are instructed
- And talk to the other surveyor





# Cup of tea meeting



**With domestic party wall award – it's about personality, negotiation skills, and explaining in full what's going to happen and how it's going to effect them, an informal letter may work better than a standard formal RICS or P&T template**

# Play the game at a different level

**Think very carefully  
about your  
approach to the  
surveyor and the  
paper work**



# Party Wall etc ACT 1996



**Gives the parties  
involved rights beyond  
those in common law**

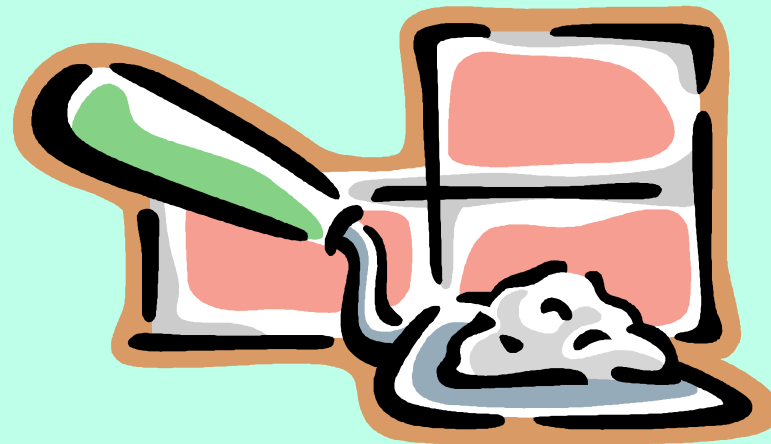
**By using a prescribed  
process**

# Party Wall Process

1. **Client rings for advice / quote**
2. **Talk to client explain your PW role BO or AO**
3. **Confirm instruction and T & Cs**
4. **Gather available information, drawings, specifications**
5. **Inspect property use site notes and use PW flow charts**
6. **Talk to other PW surveyor or appoint one**
7. **Agree a Third Surveyor assuming you're not the agreed surveyor**
8. **Meet other surveyor**
9. **Negotiate and agree, produce notice, use PW flow chart**
10. **Negotiate and Disagree and refer to Third Surveyor or ADR or court**
11. **Monitor work to ensure as agreed and 8 to 11 until completed**

# Building Owners

**Want to do something – they need to advise what and give suitable notice**



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# **Building Owner's Surveyor TWO MONTHS Notice**

- **Advises two months in advance in set format (can't do work before without agreement in writing)**
- **Name, address, a full description of work, and a proposed start date**
- **Template documents are available; missing information is not good news**

# Serving a notice on an adjoining owner

- How do you find them?
- Who are they? FH LH occupier
- Not too hard on domestic, unless it's a block of flats, commercial buildings, it can be a nightmare – where do you start?





# Found them!



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# Prepare Schedule of Condition

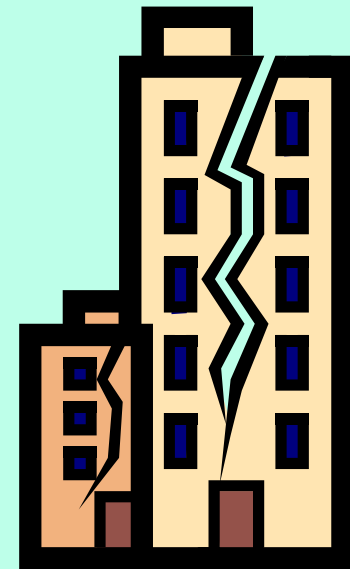
- This is to record the condition of the building and/or structure for the adjoining owner (prepared by Building Owner's surveyor) and use it to identify any works that are required
- But it must be checked by adjoining owners surveyors
- It also protects against false claims

# Schedule of Condition Format

- John Anstey thought written word better than photos or video
- I would use both – things have progressed – even a sketch (digital) if cracks for example are difficult to view
- This type of work is typical of what you will do

# Schedule of Condition

- **How detailed**
- **Very detailed with cracks (the issue) state length and width**
- **Use a natural break like a door to be the end of S of C**
- **Checked by adjoining owners surveyor**



# Adjoining Owner's Surveyor

## Response to building owners surveyor notice

### Three options:

1. **Within 14 days giving consent = agree**
2. **Dissent = dispute**
3. **Do nothing = dispute**

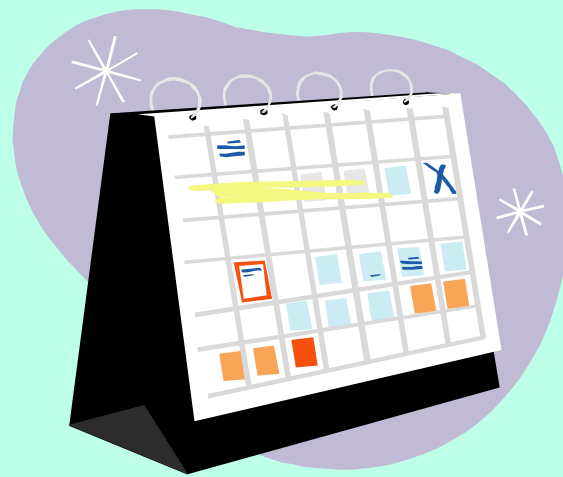


# Fourth Option (playing at advanced level)

- You meticulously check the notice
- If the notice is defective then everything that flows from it will be defective too
- Would this be classed as obstructive?

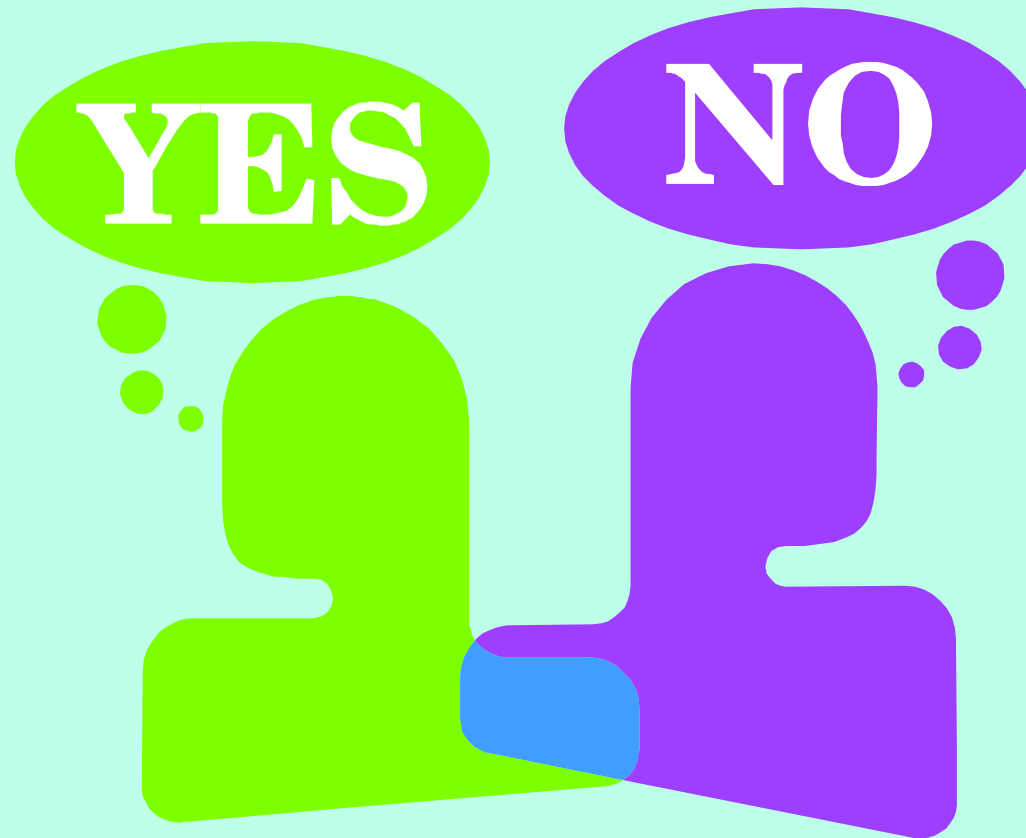


# 14 days response but a month counter notice



As long as the  
Adjoining owner  
advises in 14 days he  
can have a month to  
issue a counter notice

# Still no agreement



# Agreed Surveyor Option

- Works for both parties – save fees and time (about a third of both)
- Reality very difficult – as both parties want own party wall surveyor
- But on domestic should work or commercial two or three heads can be better than one





# Third Surveyor - Must use if not using Agreed Surveyor



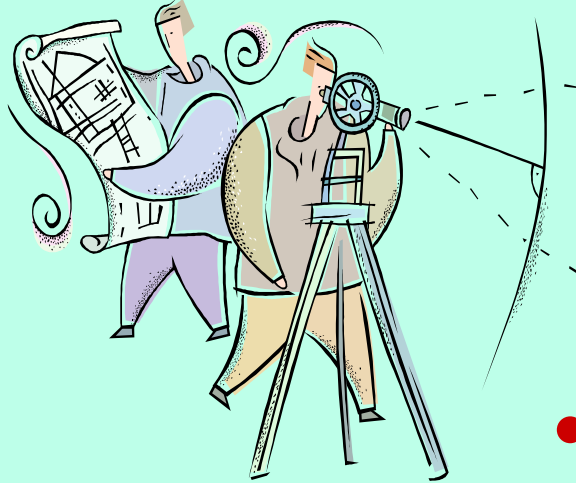
- Third surveyor has to be selected by the appointed Building Owner's Surveyor and the appointed Adjoining Owner's Surveyor in person
- Particularly useful on Party Wall awards with one Building Owner's Surveyor and several Adjoining Owner's Surveyors

# Third Surveyor

- **Makes a final decision on any issues the Building Owner's and Adjoining Owner's surveyors can't / won't sort out – the umpire or referee**
- **Particularly useful on Party Wall awards with one Building Owner's surveyor and several Adjoining Owners' surveyors**



# What's meant by a surveyor?



- **Anyone not involved with the matter – however it helps if they have a good knowledge of Party Walls!**
- **But should not be supervising officer**

# Surveyor in action

## Prepares the award



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# Who pays?



- Usually Building owner pays for all surveyors
- And any building work he benefits from
- Adjoining owner may pay some costs

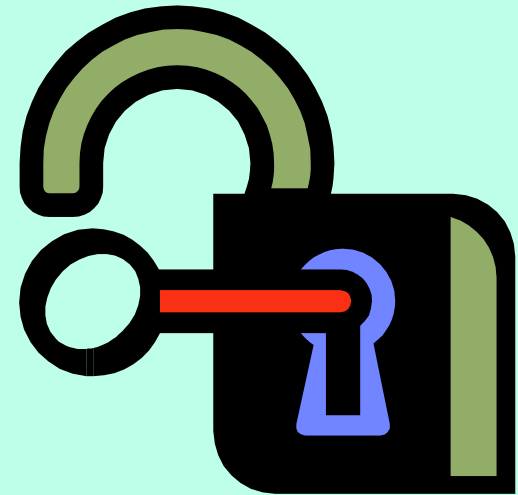
# No response after 14 days

- Building owner's surveyor can appoint a second surveyor but not an agreed surveyor for obvious reasons



# Access in a dispute situation

- **Must (in theory) give access providing you give 14 days notice**
- **Recommend Police are involved**



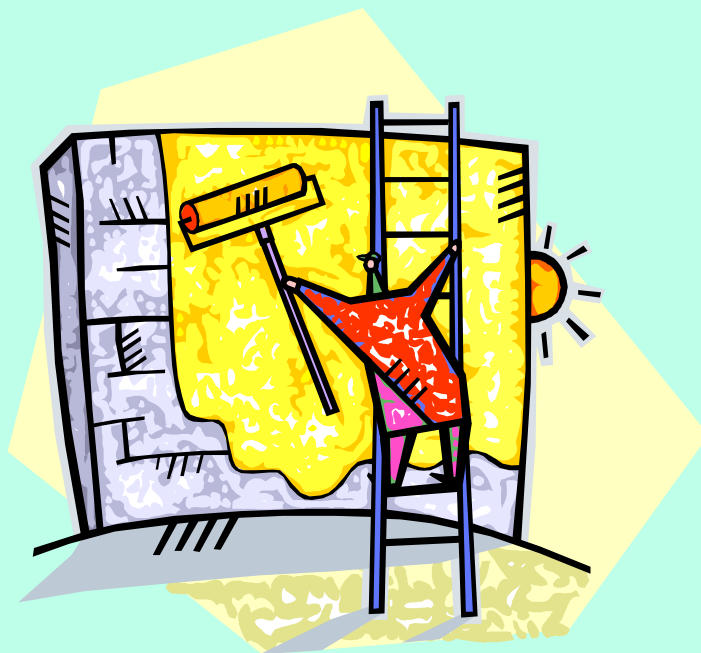
# Adjoining Owners Rights



- Ask for security of expenses in advance to insure against the difficulties if work is stopped
- To appoint a surveyor to represent them
- Get protection
- Compensation



# New Party Wall



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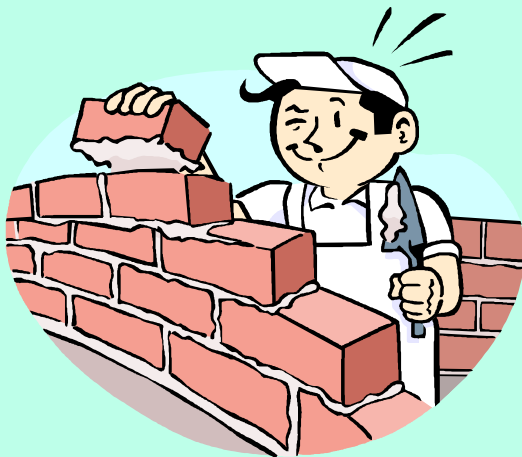
# UP TO THE BOUNDARY



- **Notice one month in advance**
- **14 days for Adjoining owner to advise in writing if not start**
- **Can put footing on adjoining land as long as you compensate and not reinforced**

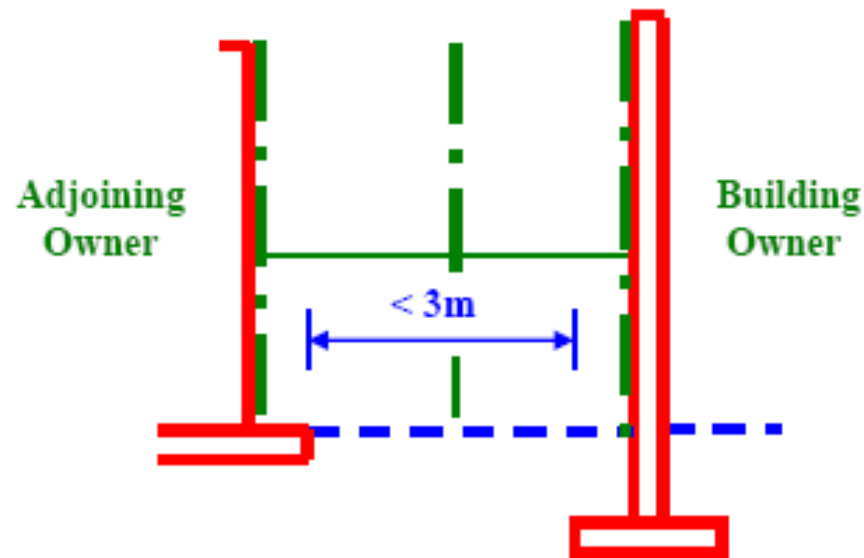
# Astride the boundary line

- **Need Adjoining neighbour's consent**
- **Notice one month in advance**
- **14 days for Adjoining owner to advise in writing otherwise on your own land, foundation can be under unless reinforced**

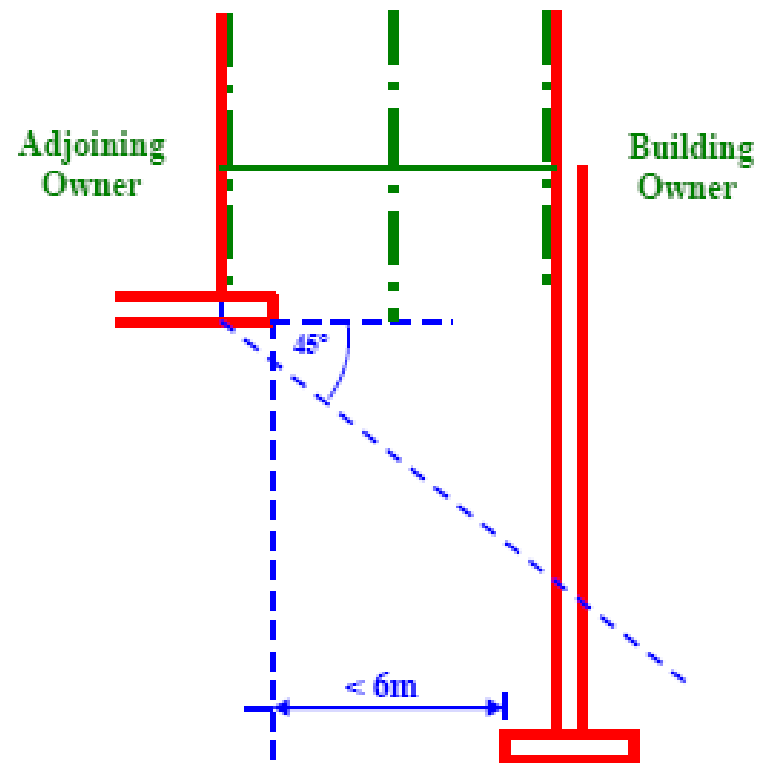


# Three Metre / Six Metre Notice

## Three Metre Notice



## Six Metre Notice



# Digging under the Adjoining building

- **Excavate a foundation deeper within 3 metres for a new building of an Adjoining Owner's building**
- **Or within 6 meters at an angle of 45%**
- **A notice must be served one month in advance valid for one year - Adjoining Owner has 14 days to respond**

# Foundation depth

**This maybe a good guess**



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# Limits of your instruction

- You're often asked to do things outside the Party Wall etc Act 1996
- Such as boundary and building design issues – side step and send a confirmation of instruction



# Fees



- Under the Party Wall etc Act solicitors will rarely get fees, this was an intentional part of the act
- Third surveyor fee referrals  
– Why do surveyors do this?



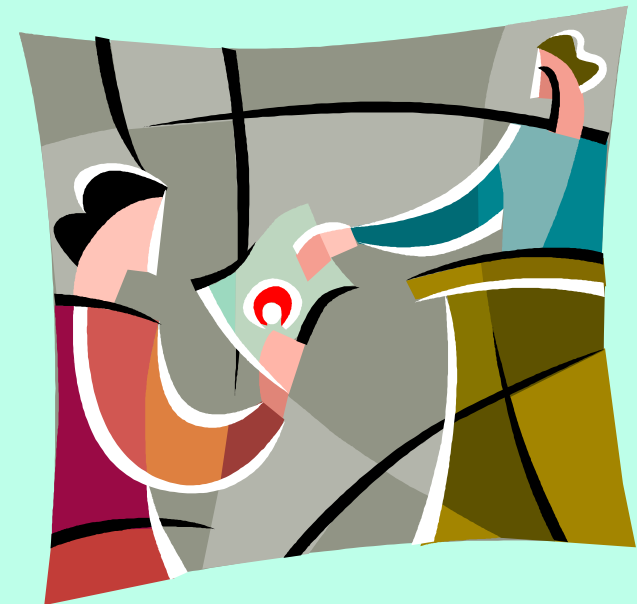
# Q and As

**Question:**

**What happens if the Building Owner just starts work?**

**Answer:**

**A court injunction can be served**



# Quote for the Day

***"We are not creatures of  
circumstance:  
we are creators of circumstance"***

**Benjamin Disraeli**