**Guidance Note: Party Wall Agreements**

The Party Wall etc Act 1996 sets out rules concerning party walls, excavation, and nearby construction. It aims to balance development with protection of neighbouring properties. This Act applies to all types of properties (residential, industrial, and commercial) in England and Wales.

**Key Points to Consider**

* **Planning Consent**: Even if planning consent is obtained, a party wall agreement may still be necessary.
* **Right to Light**: Ensure that the works do not block a neighbour's right to light through adjacent windows to avoid potential legal action.

**Understanding Party Walls and the Need for an Agreement**

* **Party Wall Definition**: A wall shared by two properties, such as the wall between semi-detached houses or the floors/ceilings between flats. This also includes garden walls built along boundaries.
* **When an Agreement is Needed**: For works like building along a boundary, altering an existing party wall, or excavating near a boundary (within 3-6 metres). Examples include loft conversions, inserting steel beams, removing chimney breasts, raising wall height, demolishing and rebuilding walls, underpinning, damp proofing, and digging foundations for extensions.

**Serving a Party Wall Notice and Beginning Work**

1. **Consent is Essential**: Obtain neighbour consent before starting work.
2. **Notice Timing**: Serve notice 2 months to a year before starting work, depending on the type of work.
3. **Pre-Notice Discussion**: Discuss proposed works with neighbours to maintain good relations.
4. **Details in Notice**: Use the appropriate type of notice, including work details and plans if necessary.
5. **Delivery Methods**: Serve notices in person, by post, or by email (with prior agreement).
6. **If No Response**: If there is no response within 14 days, send a second notice allowing an additional 10 days.
7. **Dispute Protocol**: If no response to the second notice, appoint a party wall surveyor.
8. **Leasehold Properties**: Serve notices to both the Head Landlord and neighbouring tenants/lessees.
9. **Uncertain Ownership**: Address notices to “the owner” and deliver them in person.
10. **Written Consent**: Document consent in writing. Include draft agreements with the notice for neighbour's signature.
11. **Rejection of Works**: Follow the Dispute Resolution Process if works are rejected.
12. **Counter-Notice**: Neighbours may request additional works; respond within 14 days.
13. **Access for Works**: Provide 14 days’ notice for building work access unless it is an emergency.

**Dispute Resolution and Surveyor Appointment**

* **Neighbour Objections**: Neighbours can object to specific aspects of the work if procedures are followed.
* **Further Discussion**: Resolve concerns by incorporating conditions into the agreement, such as work timings.
* **Appointing a Surveyor**: Appoint an impartial surveyor if an agreement is unlikely. Both parties can agree on one surveyor.
* **Cost Responsibility**: Costs are typically borne by the building owner unless the works benefit both parties, in which case costs are shared.
* **Party Wall Award**: A legally binding document detailing the work, timeline, and cost responsibility.
* **Appeals**: Appeals against the award can be made to the County Court within 14 days if there are errors. The Court can amend, overturn, or make a new decision.

**Additional Resources**

* **Government's Party Wall Explanatory Booklet**: Contains example notices and acknowledgments for various situations. [Government’s Party Wall Explanatory Booklet](https://www.gov.uk/government/publications/preventing-and-resolving-disputes-in-relation-to-party-walls/the-party-wall-etc-act-1996-explanatory-booklet)

**Note**: This guide is for informational purposes only and does not constitute legal advice. For specific legal matters, seek independent legal or specialist advice.