

# Measuring Up

Issue No. 1

## LOVE THY NEIGHBOUR

Party Wall Matters & Party Walls Matter

### Building On The Boundary

Building on the boundary, often called the Line of Junction, occurs more often than many commentators think. Many developments we are asked to advise on include new buildings and free standing walls built on the boundary, sometimes following demolition of former works.

Section 1 of the Party Wall etc. Act 1996 regulates such works making them lawful, and offers the building owner the option to either straddle the boundary with a new party wall or free standing wall, (provided that prior notice is served and written consent is given) or more commonly to build up to the boundary but not over it. This too requires notice to be given, and provided the adjoining owner does not dispute the proposal, after the expiry of one month from the date of notice, the building owner can get on with it. (This is different from party structure and excavation notices whereby failure to respond automatically creates a dissent).

Even though the building owner builds on his own land and does not require a written consent from the adjoining owner, there are substantial benefits from serving notice, including the lawfulness of placing projecting (unreinforced) foundations under the adjoining owners land, rights of access onto the adjoining owners land to build the wall and foundation, the method by which compensation can be determined, and the resolution of disputes. Commencing notifiable works without having served prior notice, may prove an expensive process to resolve, and may give rise to claims of trespass.

Although there is no consent mechanism for notifiable works built up to the boundary, Section 1 does include a procedure for resolving disputes. Sometimes these disputes concern the exact location of the boundary, which might be difficult to resolve, and may take more time and expense to resolve than the party wall matters.

If you have any doubts about whether your works constitute notifiable works, or wish to know more about rights of access, please contact us.

**Cloud Surveyors** are experienced at all aspects of the Party Wall Act, and often provide pre-purchase and pre-start advice to developers, who want to know more about the risks of building on the boundary, or indeed close to neighbouring properties. Our advice is often coupled with how to design out issues, thereby reducing the need to serve notices in the first place.

### Chris Mahony - Director

Chris is a Chartered Building Surveyor. He is experienced in dealing with complex building surveying matters including neighbourly issues and dilapidations. He has provided expert evidence to court. He is Chairman of the RICS Building Pathology Working Group.



**Cloud Surveyors** are an independent, commercial firm of Building Surveyors, experienced at providing strategic advice to property owners, developers and investors. We are the consultants consultant.

### Our Key Services

- Asset Management
- Building Surveys
- CDM 2015 Principal Designer
- Contract Administration
- Defect Diagnosis and Analysis
- Design for Refurbishment
- Dilapidations
- Expert Witness
- Neighbourly Matters
- **Party Wall**
- Rights to Light
- Scaffold and Crane Oversail Licenses
- Schedules of Condition

### Contact Us

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**Regulated by RICS**

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