HOLDENS
Chartered Surveyors & Building Consultancy

PARTY WALL AGREEMENTS EXPLAINED:



RICS
Regulated by RICS

Prepared by
Bill Holden MRICS

Why This Matters?

Planning building work can be exciting, but if your project affects a shared wall or boundary with a neighbouring property, you may need to comply with the Party Wall etc. Act 1996. Understanding your legal responsibilities before work begins can help prevent delays, reduce the risk of disputes, and ensure your project progresses smoothly.

A party wall agreement is designed to protect both homeowners undertaking work and their neighbours. Whether you're planning a home extension, loft conversion, removing a chimney breast or excavating near a neighbouring property, knowing when the Act applies is essential.



Why This Matters?

Key Things Every Homeowner Should Know About Party Wall Agreements

- **When a party wall agreement may be required**

Certain types of building work require you to serve a party wall notice on adjoining owners before work can begin.

- **The role of a party wall surveyor**

An experienced party wall surveyor can guide both parties through the legal process, helping to resolve concerns fairly and prepare a legally binding party wall award where required.

- **Avoiding neighbour disputes**

Following the correct procedures under the Party Wall etc. Act 1996 can help maintain positive relationships with neighbours while protecting everyone's property.

- **Protecting your project**

Understanding your obligations early can prevent costly delays, legal complications and unnecessary disruption once construction is underway.

When Do You Need a Party Wall Agreement?

Not every home improvement project requires a party wall agreement, but many common types of building work do. Understanding whether the Party Wall etc. Act 1996 applies before work begins can save time, prevent disputes, and avoid unnecessary delays to your project.

Home Extensions

If you're planning a rear extension, side extension, or other structural addition that involves building on or close to the boundary line with a neighbouring property, you may need to serve a party wall notice. Excavation work within specified distances of adjoining buildings can also fall under the Act.

Loft Conversions

Many loft conversions involve work to a shared party wall, such as inserting steel beams into the wall separating two properties. These works are covered by the Party Wall etc. Act 1996 and usually require formal notification to adjoining owners.

Structural Alterations

Removing chimney breasts, cutting into a party wall, raising its height, or carrying out other structural alterations often requires a party wall agreement. Even if the work takes place entirely within your own home, it may still affect the neighbouring property.

Excavation Near Neighbouring Properties

Excavating for new foundations, basements or retaining walls close to an adjoining property can also trigger the requirements of the Act. The depth and proximity of the excavation determine whether a party wall notice is required.

What happens next?

If your proposed works fall under the Party Wall etc. Act 1996, you'll need to notify your neighbours before construction begins. They can either consent to the works or request that a party wall surveyor is appointed to prepare a party wall award.

Seeking professional advice early helps ensure your project remains compliant, minimises delays, and protects both your property and your relationship with your neighbours.



How a Party Wall Surveyor Can Help

While some homeowners are able to reach an agreement with their neighbours without professional involvement, many projects benefit from the expertise of a party wall surveyor. Their role is to ensure the requirements of the Party Wall etc. Act 1996 are followed correctly while protecting the interests of everyone involved.

Providing Clear, Practical Advice

A party wall surveyor can assess your proposed building work and advise whether the Act applies. They will explain your legal obligations, help prepare the correct documentation, and guide you through each stage of the process, giving you confidence before work begins.

Preparing Party Wall Notices and Awards

If a party wall agreement is required, your surveyor can prepare and serve the necessary party wall notices. Should a dispute arise, they will produce a legally binding party wall award, setting out how and when the work should be carried out while protecting neighbouring properties.

Helping to Prevent Neighbour Disputes

One of the greatest benefits of appointing a party wall surveyor is reducing the risk of disagreements escalating. By providing an impartial, professional approach, surveyors help homeowners and adjoining owners reach fair outcomes, keeping projects moving while preserving good neighbourly relationships.

Why Professional Advice Matters

Navigating the Party Wall etc. Act 1996 can be complex, particularly where structural alterations, extensions or excavation work are involved. Seeking advice from an experienced party wall surveyor early in the planning process can help avoid costly delays, ensure legal compliance, and give both you and your neighbours peace of mind throughout the project.

Common Mistakes Homeowners Should Avoid

The Party Wall etc. Act 1996 is often misunderstood, and simple mistakes can lead to unnecessary delays, additional costs, or disputes with neighbours. Understanding the most common pitfalls can help ensure your project gets off to the right start.

Assuming Planning Permission Covers Party Wall Matters

Many homeowners believe that obtaining planning permission or building regulations approval means they can begin work immediately. However, these are entirely separate from the Party Wall etc. Act 1996. Even if your project has planning consent, you may still need to serve a party wall notice before work can commence.

Leaving It Too Late

A party wall agreement should be considered during the planning stages of your project, not once contractors are ready to start. The Act requires notice periods to be observed, and if surveyors need to be appointed, this can add time to your project programme. Early advice helps avoid unnecessary delays.

Failing to Notify Your Neighbour

One of the most common mistakes is beginning work without informing adjoining owners where the Act applies. Failing to serve the correct notices could result in disputes, work being delayed, or even legal action. Following the correct process protects both you and your neighbour.

Trying to Resolve Complex Matters Without Professional Advice

While straightforward cases can sometimes be resolved amicably, more complex projects often benefit from the involvement of an experienced party wall surveyor. Professional guidance helps ensure compliance with the legislation, prepares the correct documentation, and reduces the likelihood of disagreements escalating.

WHY GETTING IT RIGHT MATTERS

A properly managed party wall agreement doesn't just satisfy a legal requirement. It helps protect neighbouring properties, keeps your project on schedule, and gives everyone involved confidence that the work will be carried out fairly and in accordance with the law. Seeking expert advice early can save considerable time, stress and expense later in the project.

Frequently Asked Questions About Party Wall Agreements

Even with a basic understanding of the Party Wall etc. Act 1996, homeowners often have questions about how the process works in practice. Here are some of the most common.

Do I Always Need a Party Wall Agreement?

No. Not all building work falls under the Party Wall etc. Act 1996. However, if you're carrying out work to a shared wall, building on the boundary, or excavating close to a neighbouring property, you may need to serve a party wall notice. An experienced party wall surveyor can advise whether the Act applies to your project.

What If My Neighbour Doesn't Respond?

If an adjoining owner does not respond to a party wall notice within the required timeframe, the Act treats this as a dispute. A party wall surveyor (or surveyors) can then be appointed to prepare a party wall award, allowing the process to continue while protecting both parties' interests.

Can My Neighbour Stop My Building Work?

A neighbour cannot simply refuse your project if it is being carried out lawfully. The purpose of a party wall agreement is to ensure the work is completed in a way that safeguards neighbouring properties and resolves any concerns fairly. The Act provides a legal framework rather than giving neighbours the right to veto development.

Who Pays for the Party Wall Surveyor?

In most cases, the building owner carrying out the works is responsible for the reasonable costs associated with the party wall agreement process. However, every project is different, and costs can vary depending on the complexity of the work and whether disputes arise.

At Holdens Chartered Surveyors & Building Consultancy, our experienced party wall surveyors can guide you through every stage of the process, from determining whether the Act applies and serving party wall notices, to preparing party wall awards and helping resolve disputes professionally.

Contact Us



If you're unsure whether your project requires a party wall agreement, get in touch with our team for expert advice before work begins.

📞 01254505031
📧 info@holdenscs.co.uk
🌐 www.holdenscs.co.uk

HOLDENS
Chartered Surveyors & Building Consultancy

RICS®
Regulated by RICS