akt. Party Wall Surveyors

PART OF EarlKendrick Group

The surveying specialists in Party Wall matters

Our own approach is business-like, engaged and commercially minded, so our focus is on getting things done sooner rather than later — without compromising on attention to detail.

Find out more
www.akt-surveyors.com

Contact our London office
enquiries@akt-surveyors.com | 020 3488 0516

With you every step of the way

Akt. Party Wall Surveyors are a professional firm specialising in party wall surveying and neighbourly matters services.

Our WHY is to challenge and disrupt the 'norm' providing a fresh, practical and efficient approach to the Party Wall etc. Act 1996. This includes using process management software, electronic communications and technology to expedite the Party Wall process and prevent delays to building works.

We are solution focused and can advise on all building works including extensions, basement/loft conversions, piling/ underpinning works and new build commercial/ residential developments. We strive to offer straight forward and practical advice that is cost effective.

At Akt. we are proud members of both The Pyramus & Thisbe Society and The Faculty of Party Wall Surveyors. So, you can rest assured that your Party Wall matters are in the best hands.

Find out more

www.akt-surveyors.com

Operational Team

STRATEGIC TEAM

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Getting in touch with us

Our team of experts is on hand to guide you through the Party Wall & Rights to Light processes whether you are instructing works as the Building Owner, or whether you have received a Notice as an Adjoining Owner.

Why choose Akt.?

Akt. have a unique, modern and efficient approach to the Party Wall etc. Act 1996, which is often seen as a burdensome and administratively heavy process. This includes electronic communications, process management software and the use of technology to expedite the process to prevent delays to your project.

We adopt a solution focused approach to all party wall matters and can advise on all building works including extensions, loft conversions or new build commercial or residential developments. Party Wall procedures do not have to be complicated and we offer straight forward advice that is cost effective way.

We use electronic communications and technology to make the process as efficent as possible.

Building relationships with neighbours to make them feel at ease with proposed works.

Examine the works to foresee any risks. Be proactive and push the process along

With over twenty five years experience working in construction sector in London advising professionals, businesses and individuals, we are extremely experienced in project design, specification and management. This expertise enables us to foresee issues and adapt designs to ensure that the party wall process is managed efficiently and prevent delays to building works.

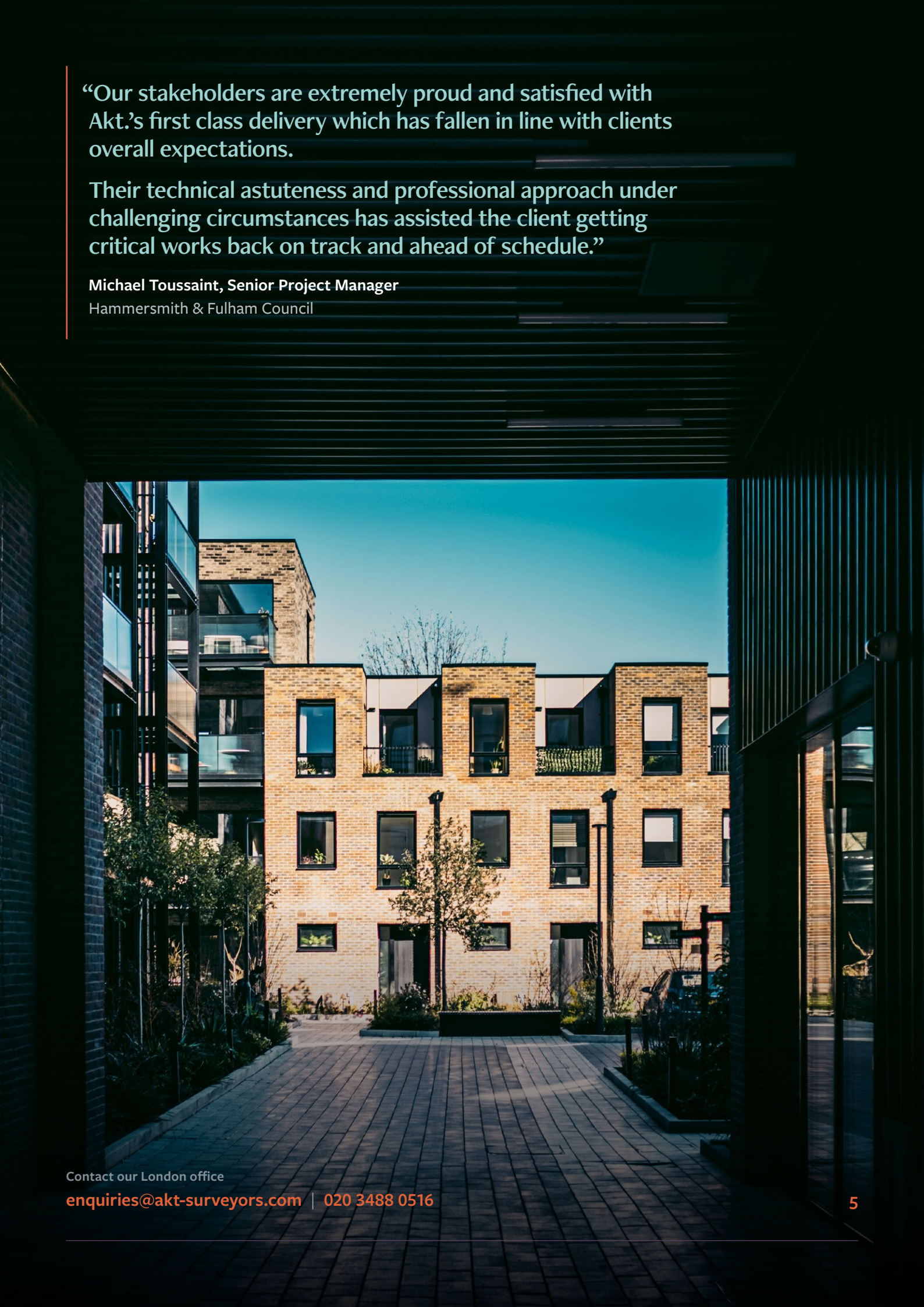
Find out more

www.akt-surveyors.com

"Our stakeholders are extremely proud and satisfied with Akt.'s first class delivery which has fallen in line with clients overall expectations.

Their technical astuteness and professional approach under challenging circumstances has assisted the client getting critical works back on track and ahead of schedule."

Michael Toussaint, Senior Project Manager
Hammersmith & Fulham Council



How can Akt. help?

Building / Property Owner

Undertaking the works

Are you planning to undertake works to your property?

You may need to serve a Party Wall Notice. For free and impartial advice, please contact us now on **020 3488 0516** or by email at: **enquiries@akt-surveyors.com**

We will:

- ✓ Advise if your project triggers the requirements of the Act
- ✓ Provide clear advice and a fixed fee for ensuring you comply with the requirements of the Act
- ✓ Use technology and efficient processes to comply with the Act and prevent delays to your project

We have a unique and efficient approach to the Party Wall etc. Act 1996. This includes electronic communications, and technology to expedite the process, which enable us to navigate and conclude party wall matters in a fast and effective manner.

If you have any queries, please do not hesitate to contact our team.

Adjoining Owner(s)

Property adjoining / nearby the construction works

You have been served with a Party Wall Notice

For free and impartial advice, please contact us now on **020 3488 0516** or by email at: **enquiries@akt-surveyors.com**

We will:

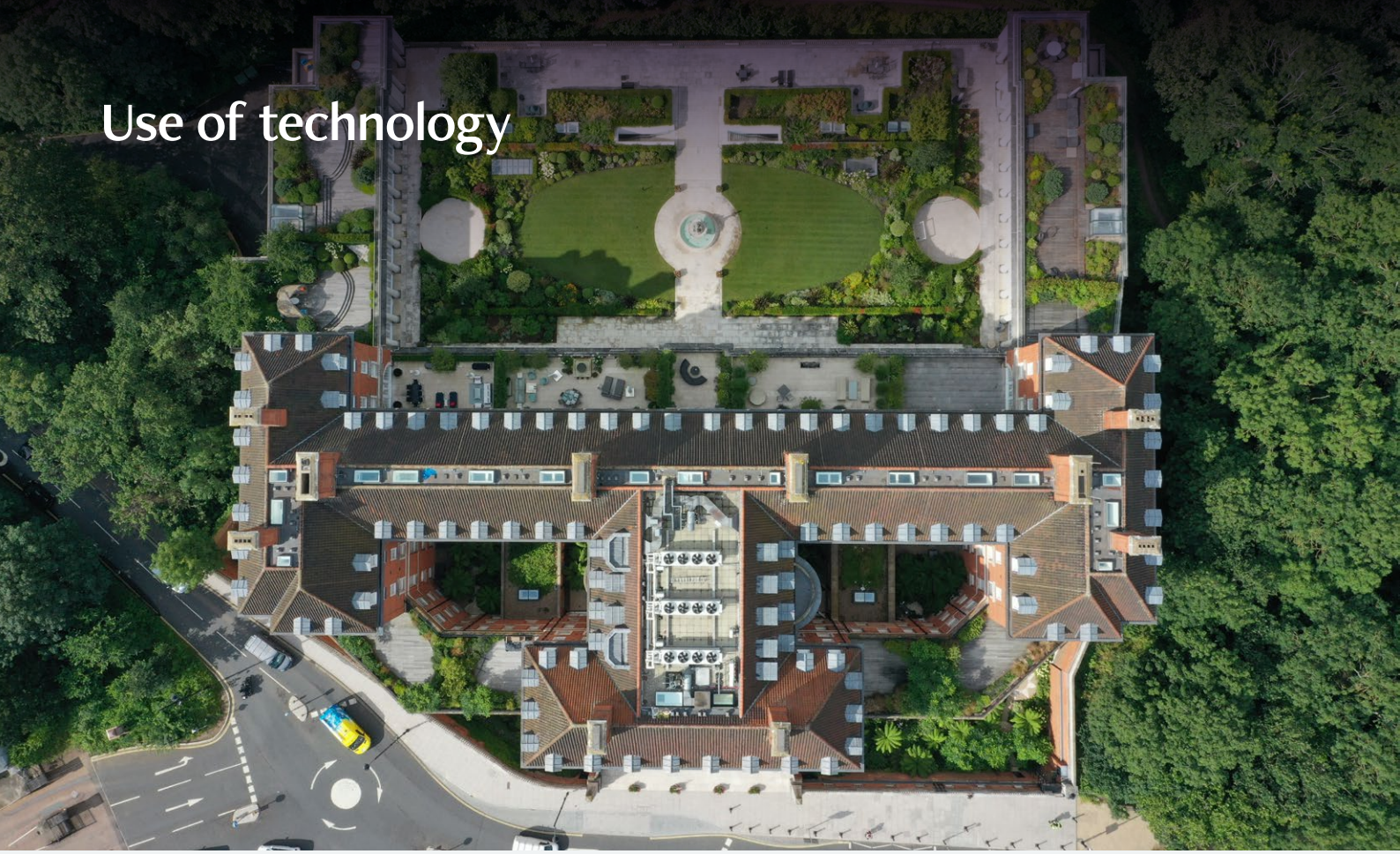
- ✓ Provide impartial advice on your options to respond to the notice
- ✓ Our fees will be met by the Building Owner from the proposed building works
- ✓ If your neighbour has started works and you have not been served with a notice, contact us for advice on what you may do next

We have a unique and efficient approach to the Party Wall etc. Act 1996. This includes electronic communications, and technology to expedite the process, which enable us to navigate and conclude party wall matters in a fast and effective manner.

If you have any queries, please do not hesitate to contact our team.

"It's a bit daunting when first you receive a Party Wall Notice (written as it is in somewhat intimidating legalese), but after a bit of a scramble I managed to find my way to Akt. and they were able to guide me through the whole process, which they did with unfailing efficiency and professionalism.

Use of technology



Drone & Telescopic Pole

Camera Surveys

Akt. have experienced micro drone pilots and we often utilise drone technology and telescopic camera poles to access high level areas that would otherwise not be possible without scaffold access. This enables us to take clear photographic records of neighbouring properties which provides future protection, should there be a claim for damages from your neighbour.

> Akt. have experienced micro drone pilots and we often utilise drone technology and telescopic camera poles to access high level areas

Find out more

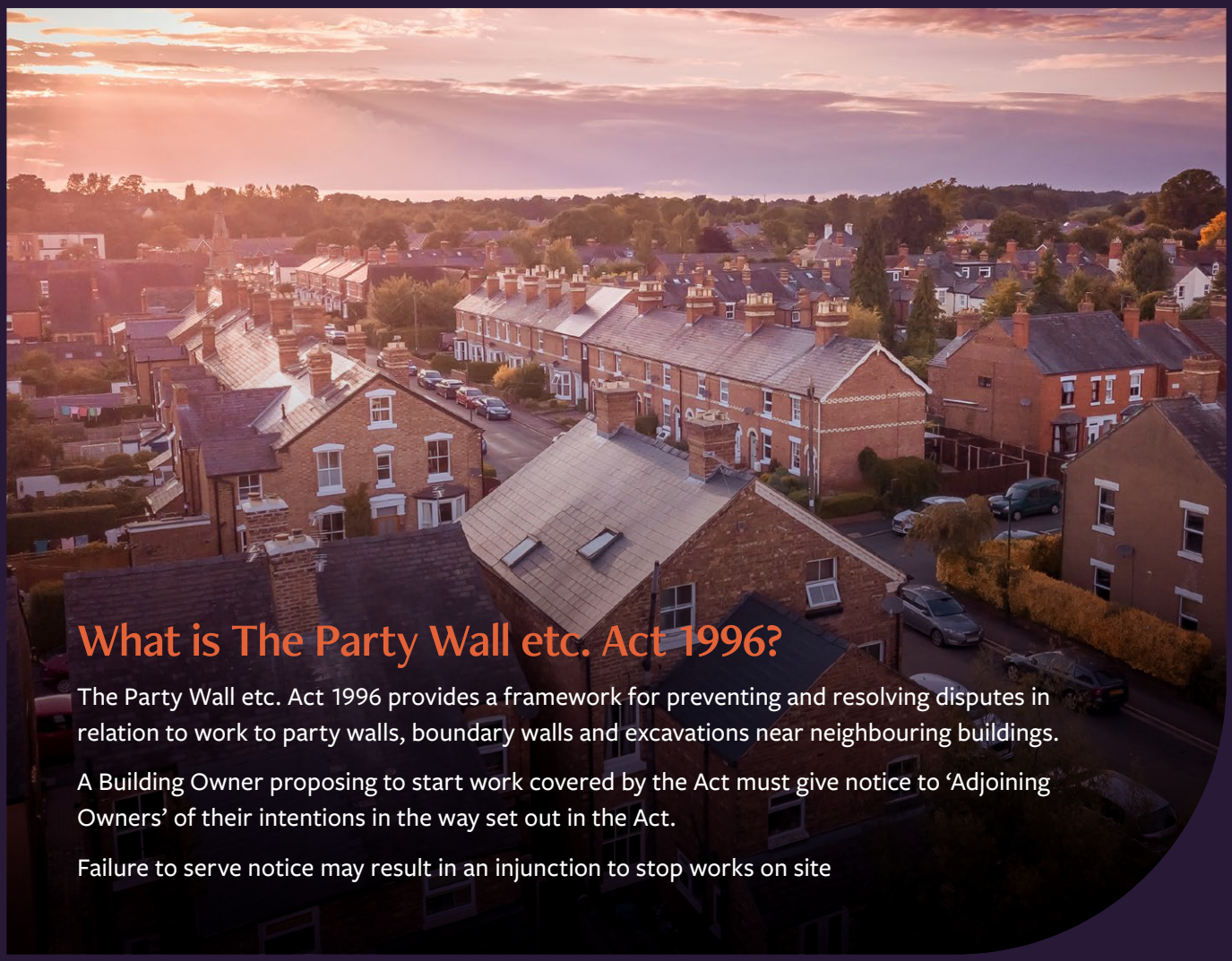
www.akt-surveyors.com

What is a Party Wall 'Award'?

A Party Wall Award is a legal document, which sets out the rights and responsibilities of the Owner prompting the works (Building Owner), and legal owners of the adjacent, or nearby property ('Adjoining Owner.').

The Award is drafted by Party Wall Surveyors, or by a single 'Agreed' Surveyor. The Award describes the works to be carried out that are covered by the Party Wall etc Act 1996. It sets out the timing and manner of the proposed works and generally includes drawings and method statements to minimize the impact to the 'Adjoining Owner'.

The 'Building Owner' is obliged to make good any damage that the party wall works causes to the Adjoining Property. A photographic and written schedule of condition is usually taken to record of the condition of the neighbouring property before any relevant works start. The schedule of condition then acts as a point of reference, should the party wall works cause damage and assessment of remedial works needs to be made.



What is The Party Wall etc. Act 1996?

The Party Wall etc. Act 1996 provides a framework for preventing and resolving disputes in relation to work to party walls, boundary walls and excavations near neighbouring buildings.

A Building Owner proposing to start work covered by the Act must give notice to 'Adjoining Owners' of their intentions in the way set out in the Act.

Failure to serve notice may result in an injunction to stop works on site

What does The Party Wall etc. Act 1996 do?

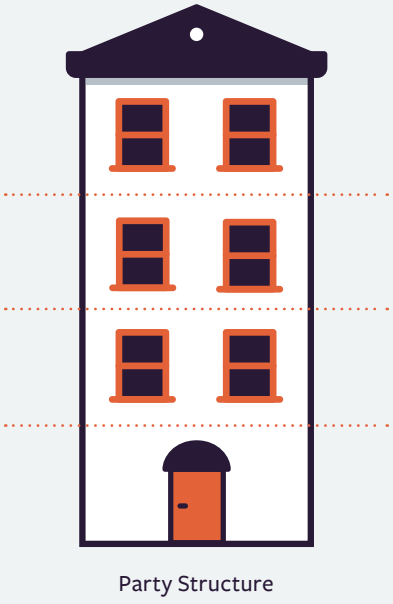
- Enables ‘Building owners’ to carry out works subject to conditions and following a legal process.
- Gives a framework for preventing and resolving disputes to enable the ‘building owner’ to undertake the works even if the ‘adjoining owner’ objects.
- Enables ‘Adjoining owners’ to challenge works and ensure they are undertaken in a proper way with correct design works and insurances.
- Legally protects both owners should damages arise out of the works.

What is a Party Wall?

Boundary Line

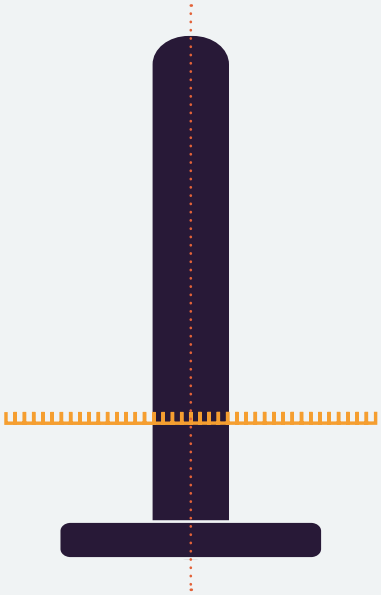
A wall which separates buildings belonging to different owners.

Party Structure



A wall and also floor / ceiling separating buildings with separate entrances.

Party Wall Fence



A wall which stands on the lands of different owners to separate adjoining land. Such as garden wall.

What type of work does the act cover?

Section 1

Construction of new walls up to or astride boundary line (such as extensions)

Section 2

Works to a Party Wall / Party Structures (such as cutting steel beams into the party wall for extensions or loft conversions)

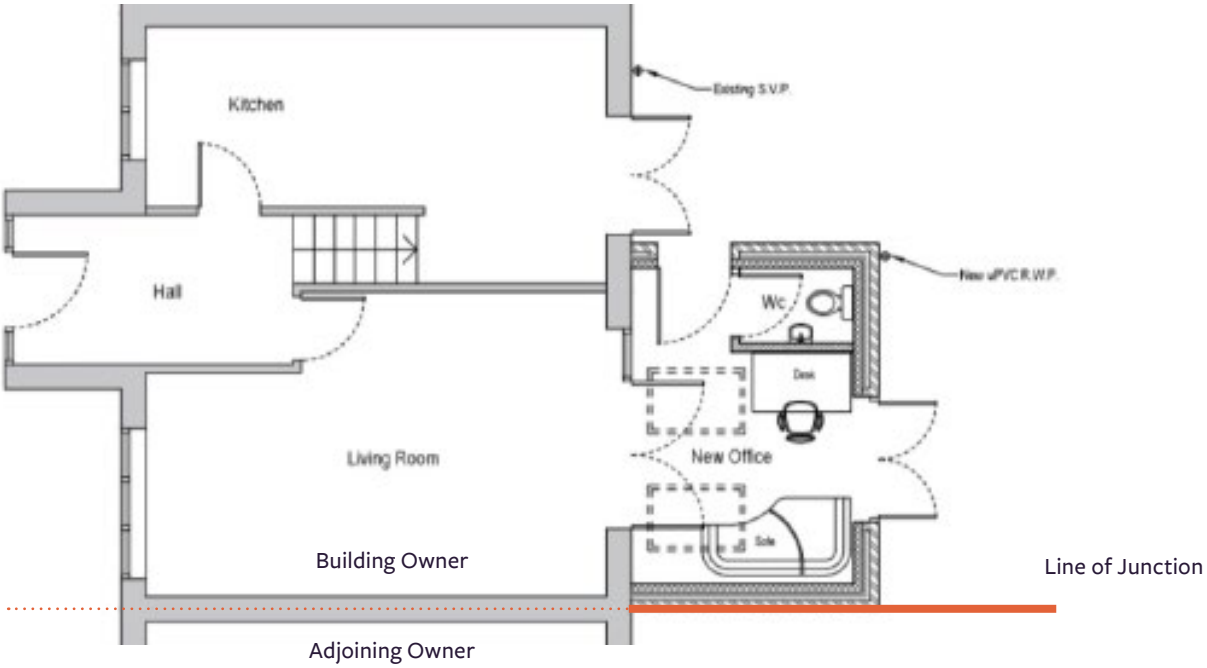
Section 6

Construction of new walls up to or astride boundary line (such as extensions)

Section 1

New walls

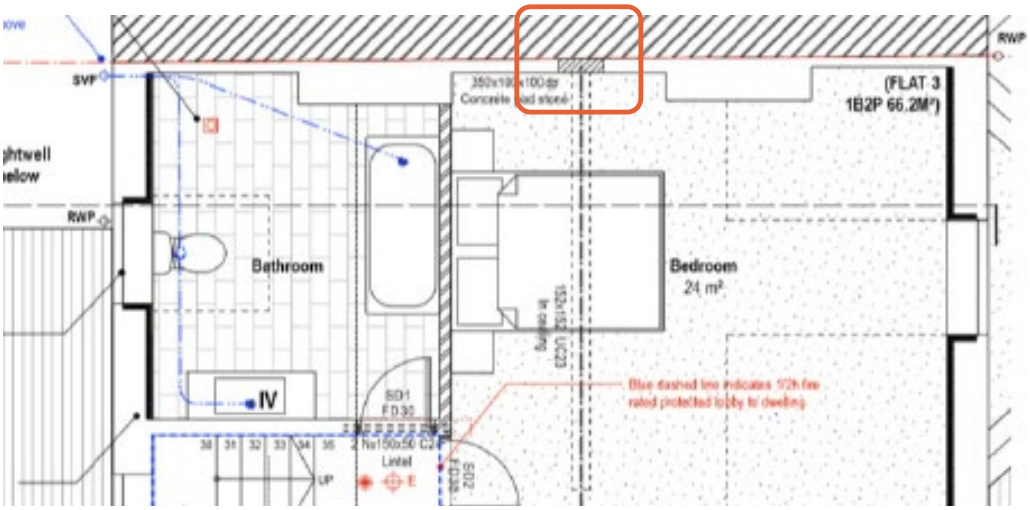
New wall constructed up to the line of the junction for the purpose of a new rear extension.



Section 2

Cutting into Party Wall (e.g. for Inserting Beams)

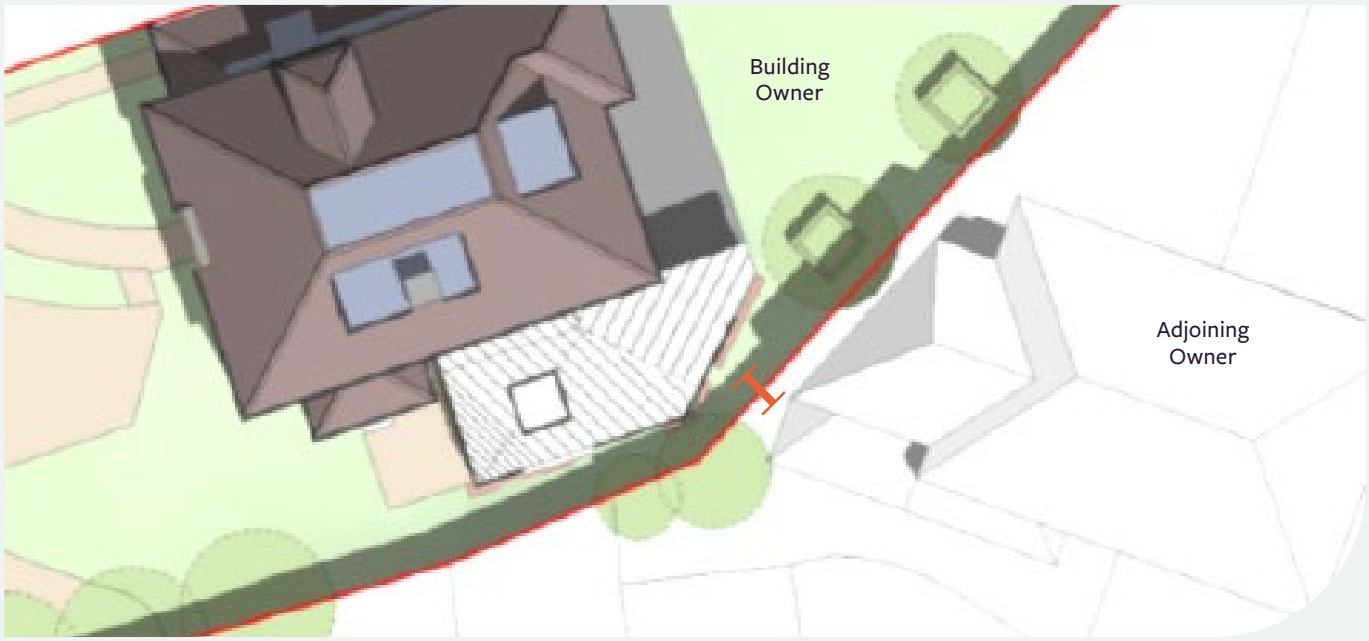
Cutting in new steel beam for extensions, creating open plan spaces or loft conversions.



Section 6.1

Excavations (within 3 metres of Neighbours Property)

Excavation within 3 metres of an adjoining property and below the depth of their foundations.



Section 6.2

Excavations (within 6 metres of Neighbours Property)

Excavation within 6 metres of an adjoining owner's property and if any part of the excavation intersects with a plane drawn at a 45° angle from the bottom of Adjoining owner's foundations (such as for basement or piling works).

Responsibilities under the act?

‘Building Owner’ must inform ‘Adjoining Owner(s)’ in writing (Akt. serve party wall notices)

Injunction can be issued by Adjoining Owners if not notified and works stopped on site

Work must not cause ‘unnecessary inconvenience’ (Akt. agree reasonable working practices as part of the awards)

Find out more

www.ekmcquade.com

Timescale and process

Timescale of the process: 6–8 weeks

14-day response period. Akt. will issue a chaser letter to ensure best chance of a positive response.

1. Early review of architects proposals (where provided) (free of charge) to design out/advise on party wall implications.

2. Detailed land registry searches and agree notice strategy with client/ architect.

3. Prepare notices and serve upon Adjoining Owners.

14 DAYS

4. Adjoining Owners respond advising if they consent or dissent where they will confirm their appointed surveyor/Akt. to act as Agreed Surveyor.

3 DAYS

If no response after 14 days, Akt. prepare and serve 10-day notices, requiring Adjoining Owner to appoint a surveyor within 10 days or Building Owner may appoint one on their behalf.

5. 10-day notice period.

10 DAYS

6. If no response, Akt. will appoint a surveyor on Adjoining Owner's behalf (under section 10(4)(b)).

7 DAYS

7. Arrange inspections with Adjoining Owner's surveyors / 10(4)(b) surveyors and undertake schedules of condition.

14 DAYS

8. Prepare draft Awards and Schedule of Conditions and issue to Adjoining Owner's surveyors.

7 DAYS

9. Negotiate terms, prepare revised draft Awards as necessary and issue to Adjoining Owner's surveyors.

7 DAYS

10. Finalise and serve Party Wall Awards on both owners.

11. If within the minimum notice period, works can start with agreement of the Adjoining Owner. Works must commence within 12 months of the date of Award.

12. If within the minimum notice period, works can start with agreement of the adjoining owner. Works must commence within 12 months of the date of Award.

Minimum Notice Periods:

- **Party Structure Notice:** Minimum 2 months before the commencement date of the works
- **Excavation Notice and Line of Junction Notice:** Minimum 1 month before the commencement date of the works

Responsibilities under the act?

The schedule of condition records the condition of the neighbours property before the works start. This provides protection to both parties if damage occurs due to the works.

The schedule of condition can be referenced to assess what is new and what is old and allow surveyors to determine any costs that should be awarded.

What is a schedule of condition?

- ✓ A photographic record
- ✓ A written record
- ✓ Undertaken before the works start
- ✓ Highlights defects prior to work commencing
- ✓ Record of fact that can be refered to should damages occur to the neighbouring property.

Find out more

www.akt-surveyors.com

Responsibilities under the act?

Frequently Asked Questions

Party Wall Guide for Homeowners

A Party Wall is a shared wall between two properties, typically separating terraced or semi-detached houses. When planning construction or renovation work that affects a Party Wall, homeowners need to adhere to legal requirements outlined in the Party Wall etc. Act 1996. Here's a comprehensive guide to help homeowners navigate the Party Wall process, including frequently asked questions (FAQs) and their answers:

1. What is a Party Wall? A Party Wall is a wall that stands on the land of two or more owners and forms part of a building. It can also be a wall on one owner's land used by two or more owners to separate their buildings.

2. What is the Party Wall etc. Act 1996? The Party Wall etc. Act 1996 is a piece of legislation in England and Wales that provides a framework for preventing and resolving disputes regarding Party Walls, Boundary Walls, and excavation near neighbouring buildings.

3. When does the Party Wall Act apply? The Party Wall Act applies when you are planning to carry out building work on or near a Party Wall, Boundary, or excavation within 3 or 6 metres from neighbouring buildings.

4. What types of work require a party wall agreement? Common examples of work that may require a Party Wall Award include building extensions, loft conversions, basement excavations, and structural alterations affecting a shared wall.

5. Do I need to notify my neighbour about the planned work? Yes, you are required to serve Notice to your adjoining neighbours about the proposed work. This allows them the opportunity to consent to the work or raise objections within a specified timeframe.

6. How do I serve a Party Wall Notice? You can serve a Party Wall Notice by sending a written Notice to your neighbour outlining the details of the proposed work, including the extent of the work, the anticipated start date, and any plans or drawings.

7. What happens if my neighbour dissents to the proposed work? If your neighbour dissents to the proposed work, it doesn't mean that they are disagreeing with the proposals, it just means that they would like to appoint a party wall surveyor and a Party Wall Award. The surveyor will assess the proposed work and serve a Party Wall Award detailing how the work should proceed.

8. Do I need to pay for my neighbour's surveyor? If your neighbour dissents to the proposed work and appoints their own surveyor, you are responsible for covering their surveyor's reasonable fees.

9. How long does the Party Wall process take? The duration of the Party Wall process can vary depending on factors such as the complexity of the proposed work and whether disputes arise. Generally, it is advisable to allow several months for the entire process, including serving Notices, negotiating Awards, and obtaining necessary approvals.

10. What happens if I proceed with work without serving Notice? Proceeding with work without serving the required Notices can lead to legal consequences, including injunctions to stop work and potential liability for damages. It is crucial to comply with the Party Wall Act to avoid disputes and legal issues.

11. Can I carry out emergency work without serving Notice? In cases of genuine emergency, such as a dangerous structure or urgent repairs, you may be able to carry out necessary work without serving Party Wall Notices but these will require separate legal processes and you should consult a legal adviser on how to carry these out.

12. What is a Party Wall Award? A Party Wall Award is a legally binding document prepared and served by Party Wall Surveyors that sets out the rights and responsibilities of both parties regarding the proposed work. It typically includes details such as the scope of work, access arrangements, and any safeguards to protect adjoining properties.

13. How much does it cost to obtain a Party Wall Award? The cost of obtaining a Party Wall Award can vary depending on factors such as the complexity of the proposed work, the number of adjoining properties affected, and the involvement of Party Wall Surveyors. It is advisable to obtain quotes from surveyors and factor these costs into your project budget.

14. Can I appeal a Party Wall Award? If you disagree with a Party Wall Award, you may have the option to appeal to the County Court within 14 days from the service date of the Award.

Conclusion: Navigating the Party Wall process can seem daunting, but by understanding your rights and responsibilities under the Party Wall etc. Act 1996 and communicating effectively with your neighbours, you can minimise disputes and ensure a smooth construction process. If you have any further questions or require assistance, please feel free to contact us at Akt.

Glossary

The 'Act'
The Party Wall etc. Act 1996.

Owner
Defined by the Act as anyone having an interest in a property of greater than 1 year i.e. not an Assured Shorthold tenant.

Building Owner
An Owner proposing to carry out works that fall within the scope of the Act.

Adjoining Owner
An Owner of any neighbouring property to whom the proposed works are notifiable.

Occupier
A person that resides at an Adjoining Owner's property, other than the Adjoining Owner themselves. Occupiers do not have to be notified but do have other rights under the Act.

Notifiable Works
Any works proposed by a Building Owner that fall under sections 1, 2 or 6 of the Act.

Party Wall Notice
A formal document that is served on an Adjoining Owner by a Building Owner, providing details of the proposed work and when it is expected to commence. An Adjoining Owner can either consent or dissent to a notice.

Consent
To agree to the proposed works.

Dissent
The opposite of consent — if an Adjoining Owner dissents they create a dispute under the Act.

Dispute
The term used in the Act when an Adjoining Owner does not consent to the works upon receipt of a notice. The Owners are deemed to be in dispute if consent is not given with 14 days of the notice being served.

Award
Owners that are 'in dispute' must appoint surveyors (or agree to appoint a single surveyor). The surveyors resolve the dispute by agreeing the terms of an Award and serving it on the Owners.

Party Wall Agreement
See 'Award'.

Counter Notice
Upon being served a notice by the Building Owner, an Adjoining Owner can serve a counter notice, requesting him to carry out specific works.

Line of Junction
An imaginary line dividing the lands of adjoining owners. Unlike a boundary line the Line of Junction also extends upwards.

Section 1 of the Act
Covers construction of new walls on the line of junction between two Owners. Building astride the line of junction is only possible with the Adjoining Owner's written consent. Notice should be served one month before the proposed start date of any section 1 works.

Party Structure
A wall, floor or partition separating adjoining properties.

Section 2 of the Act
Covers works to an existing Party Structure. There is a wide scope of works that fall under this category, including raising, repairing, demolishing and rebuilding, cutting into, cutting away projections and exposing a party wall. Notice is served under Section 3 of the Act and should be served two months before the proposed start date of any section 2 works.

Adjacent Excavation
Digging close to an Adjoining Owner's property — covered by Section 6 of the Act. Notice served under Section 6 of the Act is often referred to as a 'Notice of Adjacent Excavation'.

Section 6 of the Act
Covers adjacent excavations within 3 and/or 6 metres of an Adjoining Owner's property. If excavations are within 3 metres of an Adjoining Owner's building and deeper than the base of their foundations, they will be notifiable under this section. The 6 metre rule will normally only be applicable if the work includes piled foundations and/or bulk excavation. Notice should be served one month before the proposed start date of any section 6 works.

3 Metre & 6 Metre Notices
Alternative requirements for a Notice of Adjacent Excavation depending upon the relevant distant.

Party Wall
There are two types recognised under the Act:

Type (a) — a wall that stands astride the boundary belonging to two or more different owners.

Type (b) — a wall that stands wholly on one owner's land but is used by two or more owners to separate their buildings.

Party Wall Surveyor
A surveyor appointed by either, or both, of the Owners. Anyone can be appointed as a Party Wall Surveyor except the Owners although an understanding of construction and procedures under the Act is desirable. Surveyors appointed under the Act have an obligation to act impartially.

Building Owner's Surveyor
A surveyor appointed by the Building Owner.

Adjoining Owner's Surveyor
A surveyor appointed by the Adjoining Owner.

Third Surveyor
Is selected at the outset by the two appointed surveyors but is only called upon where there is a matter that they themselves cannot resolve.

Agreed Surveyor
A surveyor appointed by both the Building Owner and Adjoining Owner.

Rights of Entry
Where work is authorised by the Act and access to the Adjoining Owner's property is necessary to execute said work that right is provided by Section 8 of the Act.

Security for Expenses
Section 12 of the Act gives an Adjoining Owner the right to request Security for Expenses i.e. ask that funds are placed in an independent account by the Building Owner in case the works are started but not finished. If the Building Owner disputes such a request the matter passes to the appointed surveyors to resolve.

Continuing Professional Development (CPD)

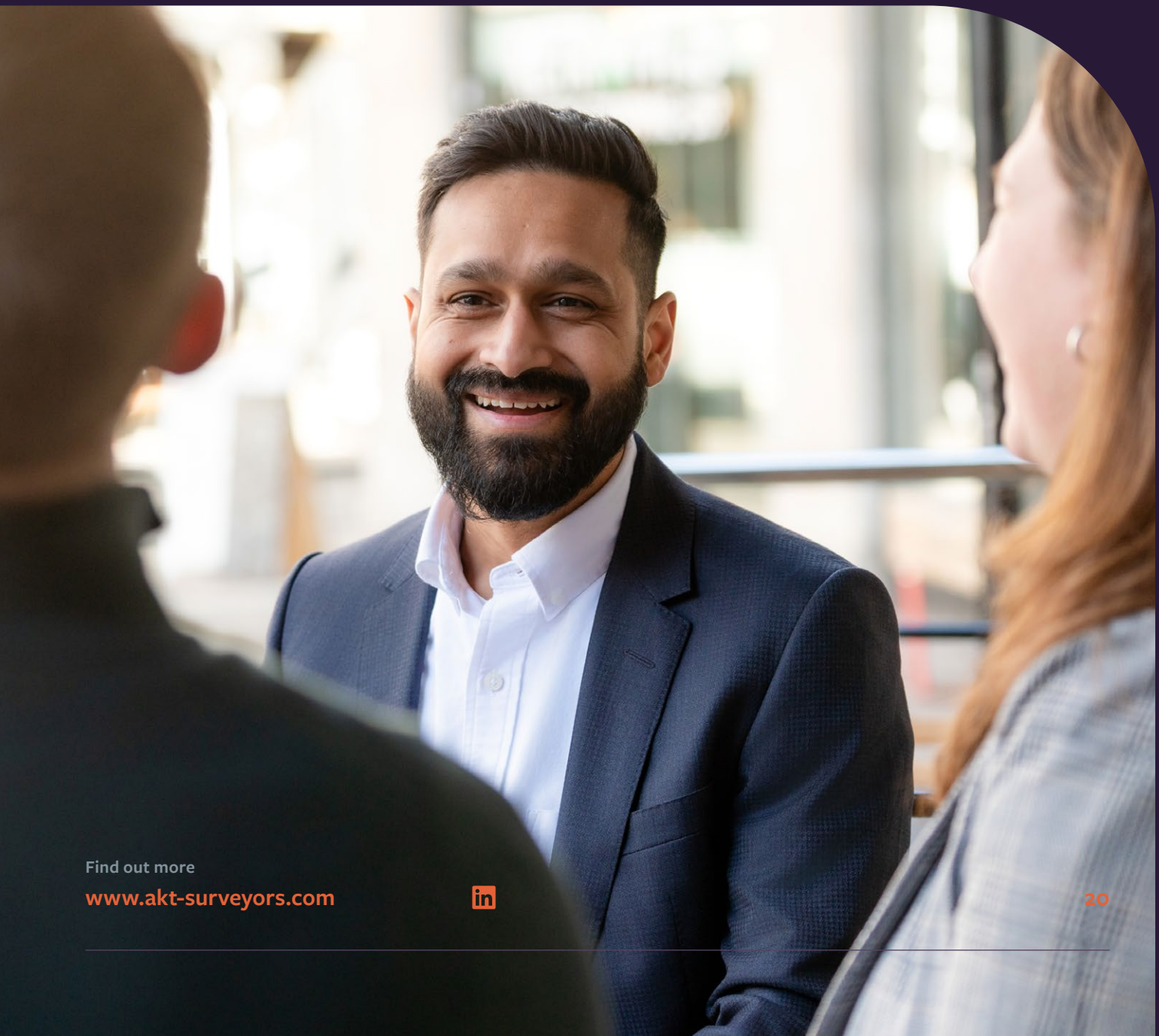
RIBA approved Party Wall CPD masterclass

We run a RIBA approved Party Wall CPD masterclass on the Party Wall etc. Act 1996, specifically aimed at architects. We would be delighted to provide this training to you/your team. The session lasts circa 1 hour and covers: the basics of the Act, different types of notices, where they are needed etc. and importantly how architects can help streamline/improve the party wall process and work more effectively with surveyors.

Our Party Wall CPD for architects focuses on:

- ✓ Basics of the Party Wall etc. Act 1996 — what do you need to know as architects
- ✓ Works that need to be notified under the Act
- ✓ What is the role of the surveyor/different types of notices
- ✓ What can architects do to make the party wall process more efficient
- ✓ Top Tips to utilise this legislation
- ✓ Some recent case law and important updates on structural design

We can run this either in person in your office, or remotely using Zoom, which has been working very well. We will provide CPD Certificates on completion.



Other services offered from the EK Group:

akt. Rights to Light Surveyors

Right to Light (RtL) and Daylight, Sunlight and Overshadowing (DSO)

Whether you are a developer or an architect concerned about the risk to your project or an affected neighbouring owner, we are ready to act on your behalf. We will guide you through the entire process, ensuring you are fully aware of the risks and pitfalls in all RtL common law and planning matters for DSO.

- Pre-Acquisition strategic advice
- Preliminary Initial façade analysis
- Internal DSO for alter or new build
- RtL & DSO Assessment Reports and Advice
- Environmental Impact Assessment (EIA)
- Design input — Scheme cutbacks
- BREEAM Sustainability Asssessments

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EarlKendrick Structural Engineering

Structural Engineering

Our aim is to work collaboratively with our clients and consultant peers with a personable and friendly approach. Our solutions can be tailored specifically to the constraints on your project. Whether it be design led or budget driven, our team are equipped to help you all the way through from pre-application and concept through to practical completion.

- Feasibility Studies
- Detailed Structural Design Calculations
- Structural Condition Appraisals
- Building Information Modelling (BIM)
- Monitoring Engineering Services
- Site Supervision

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EarlKendrick Cost Management

Quantity Surveying

Our consultants have a wide variety of experience and expertise from small fit-out projects to large prestigious international mixed-use developments and take the same approach to all – pro-active engagement, service excellence, effective communication and collaborative teamwork.

- Cost Planning
- Project Costings
- Benchmarking
- Feasibility Cost Estimating (RIBA 1–3)
- Detailed Cost Estimating (RIBA 3–4)
- Client Valuations
- Procurement &Change Management
- Variations, Valuations & Final Account

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EarlKendrick Project Management

Project Management Consultancy

At Earl Kendrick Associates we have a highly skilled team of specialists which enables us to offer a comprehensive range of services in the field of construction project management.

- Project Management
- Cost Management
- Design and Planning Assistance
- Risk Assessment and Mitigation
- Contract Administration
- Quality Assurance and Control
- Health and Safety Compliance
- Environmental Sustainability
- Value Engineering
- Post-Construction Services

akt. Party Wall Surveyors

PART OF EarlKendrick Group

How can Akt. help?

Party Wall matters can be a major headache for architects, developers, property managers and owners alike. But negotiating Party Wall awards does not have to be stressful; in the right hands, the whole process can be surprisingly hassle-free.

Akt. have successfully completed more than 2000 awards, including complex basement projects and high-end developments in both the residential and commercial sectors.

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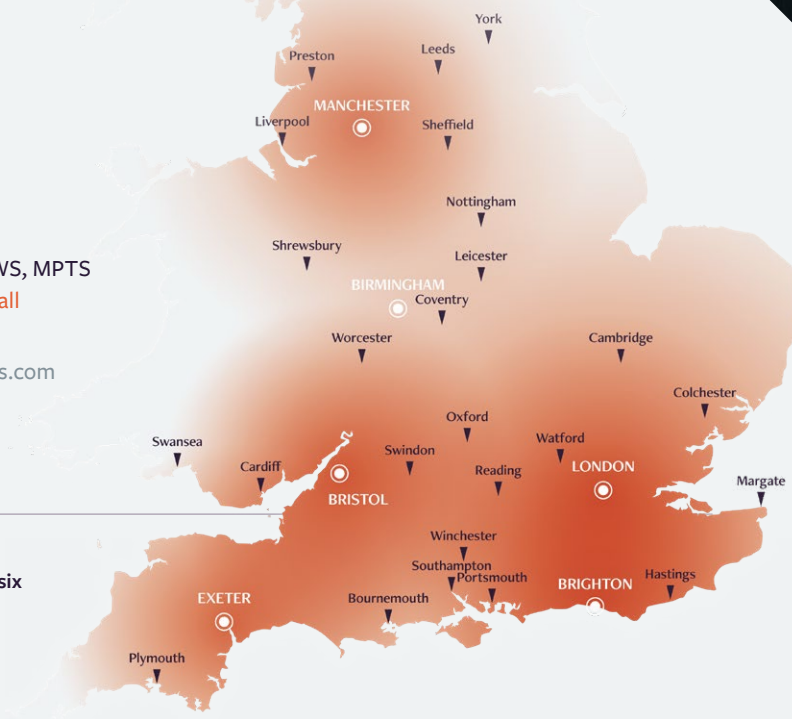

Contact Akt. for nationwide Party Wall and Right to Light services to architects, developers, property managers and owners, delivered from six hubs in London, Brighton, Birmingham, Bristol, Exeter and Manchester.

Find out more
www.akt-surveyors.com

Contact our London office
enquiries@akt-surveyors.com | 020 3488 0516