

The Party Wall Act 1996

The Party Wall Act came into force in July 1997 and is enforceable throughout England and Wales.

It provides a framework for preventing and resolving disputes in relation to party walls, boundary walls and excavations near neighbouring buildings.

Any person intending to carry out any work which could affect a party wall, must give the adjoining owners of that wall, notice of any intended works which may cause a nuisance to the adjoining owner. Further guidance can be found here: [Party Wall Act explanatory booklet](#).

If adjoining owners reach an agreement to the proposed building work, then this consent should be in writing listing the building works, timing and the way in which works will be carried out. Where there is no written agreement and subsequent problems arise, the Act will provide resolutions for disputes, but any disagreement may likely result in the installer being held accountable for causing damage in which case a building surveyor should be consulted if agreement cannot be reached.

HETAS have issued this guidance due to a number of complaints received from consumers affected by a party wall dispute. This generally concerns a chimney shaft that is shared between two properties, typically on semi-detached or terraced property. The following should be communicated to the consumer:

- When the installation of a solid fuel appliance, against a party wall may affect the neighbouring property the installer should make the consumer aware of the requirements of the Act.
- Building owners who wish to have an appliance installed against a party wall must inform their neighbour of any intended work, agree any proposed work and consent through a formal notice to the planned works.
- Although not required by Approved Document J full inspection of a chimney can be undertaken using CCTV. However, the guidance in Approved Document J, 1.36 should be followed where it is proposed to bring a flue in an existing chimney back into service. A way of checking is to carry out a smoke test.
- Smoke Test I and II as per Approved Document J should be carried out to determine the integrity and condition of the chimney before it is brought into service. Smoke Test I should identify problems with the mid-feathers as long as the top of the neighbours chimney is open.
- Once the condition of the chimney is established a report should be provided to the building owner detailing the condition of the chimney and any necessary building work that is required. All building work should then be agreed with the neighbour.
- A written consent or agreement between the neighbour and the building owner must be obtained before any work commences.
- If an agreement cannot be reached then the Act provides for a resolution in which case a Party Wall Surveyor should be contacted for further advice.