

## Case Study:- Party Wall Etc., Act 1996

A Developer's extension to a Mid terrace house C1820s lead to complications from not issuing notices of his intention to the Adjoining Owners. The neighbour, displeased with the excavation depth and concerns for his property, appointed a Party Wall Surveyor, whom assessed the works and found this extension in breach of the Act.

The panicked 'Developer' [Building Owner] contacted us and under Section 10 of the act, we began work, quickly assessing the works and making contact with the neighbours surveyor on settling the matter through the issue of retrospective notices, under section 6(1&2) for Adjacent Excavations and a retrospective joint surveyor Award after.

Following a site assessment and recommendations to prop unprotected excavations with an accord that no further works would continue until an Agreement had been made, notices were issued. Regrettably, the Building Owner chose not to abide to instruction, resumed works and continued with the excavations. Due to legal culpability and unconcealed disregard to the Act, our Surveyor stepped down through declaring 'incapable of acting' under section 10(5). Although the choice was awkward, and the Building Owner was displeased, the act specifically states 'Owners' are not clients, and Surveyors' are impartial at all times, their responsibility is to all parties, both Building and Adjoining owners. Whilst it's recognised a Developers' down time will have lost valuable weeks in both construction & the financial implications while 2 surveyors agreed a retrospective Award, the lack of due regard, safety to adjoining property's and owners equity, ultimately lead to the Building Owner losing an experienced surveyor and gaining a court injunction. Summary: The party wall act is a statute, it protects owners and structures and must be adhered to. Our advice, your first choice should be in seeking specialist advice, taking that advice and not the alternative by placing an excavation bucket in the ground, especially when there is a high risk of a Party wall injunction.