

The Party Wall Consultancy: Loft Conversions



The popularity of residential loft conversions has grown exponentially in recent decades. The re-purposing of dead storage space in to valuable accommodation is often seen as a worthwhile investment for homeowners desperate for more space without the upheaval of moving home. Whilst most loft conversions do not require planning permission on grounds of being 'permitted development', the **Party Wall etc. Act 1996 ("the Act")** may still apply and can be a costly mistake for those who ignore it.

Most loft conversions in semi-detached and terraced properties will involve 'notifiable' works falling within the scope of the Act. This usually involves cutting in to the party wall to form structural bearings for the steel beams that will support the roof structure once the intermediate timbers have been removed. Other notifiable work includes raising the party wall to form dormer cheeks and even cutting flashings in to the party wall or party chimney stack. Where the Act does apply, the party desirous of undertaking the notifiable works (the 'Building Owner') must, by law, serve formal notice on the owner of the neighbouring property (the 'Adjoining Owner') at least **two months** prior to the commencement of the notifiable works. If the Adjoining Owner 'dissents' to the notice, either formally, or by failing to respond, a 'dispute' arises meaning the works cannot then be lawfully undertaken until party wall surveyor(s) have been appointed and an Award served. Undertaking notifiable works without serving the requisite notice is a breach of statutory duty and liable to injunctive proceedings. Complying with the Act, however, carries benefits aside from avoiding costly mistakes and legal action.



The raising of a party wall to construct a flank wall or dormer will invariably be impossible without access on to or over the Adjoining Owner's roof. Outside the Act the Adjoining Owner would be entitled to refuse such a trespass. However, where undertaking works in pursuance of the Act, and following service of valid notice, the Building Owner has a statutory right of access where such access is reasonably necessary, irrespective of the Adjoining Owner's permission. Naturally, it is always advisable to seek specialist professional advice from a qualified **party wall surveyor** before embarking on any notifiable works. This also eliminates the prospect of the works being undertaken unlawfully and without the necessary prior due diligence which would avoid the poor detailing illustrated above and the consequential damage illustrated below.



The Party Wall Consultancy

CHARTERED SURVEYORS
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Services

➤ Service of Notices

- Line of Junction Notice (Section 1)
- Party Structure Notice (Section 3)
- Adjacent Excavation Notice (Section 6)
- Counter Notices

➤ Appointment under Section 10

- Building Owner's Surveyor
- Adjoining Owner's Surveyor
- Agreed Surveyor
- Third Surveyor

➤ Schedules of Condition

- Preparation and Agreement of Schedules of Condition for Award engrossment

➤ General Advice

- Application of the Act
- Guidance and Interpretation
- Advice on 'notifiable' works
- Adjoining Owner's rights

➤ Boundary Dispute Advice & Resolution

➤ Mediation

Contact Us

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