Most loft conversions in semi-detached and terraced properties will involve ‘notifiable’ works falling within the scope of the Act. This usually involves cutting into 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.