



BEHAN

CHARTERED SURVEYORS

Surveyor's Statutory Appointment and Authority By Building Owner

Party Wall etc Act 1996

I / We

of

confirm I /we am / are an owner as defined by Section 20 of the above Act of:

.....

And hereby AUTHORISE:

Mark Behan BSc (Hons) MRICS
Behan Partnership Ltd
Suite 2, Phoenix House
St Albans
Herts
AL1 5FL

To sign, issue, serve, receive and respond to all notices and requests under the Act relating to the works currently proposed at the above property.

In the event of a dispute or deemed dispute arising, or having arisen, within the meaning of the Act I / we hereby appoint the said Mark Behan as my / our surveyor in accordance with Section 10(1) of the Act.

I / we further authorise Mark Behan to make all requests, appointments, serve notices and counter notices under the Act on my / our behalf which may be necessary to expedite the progress of the matter.

Signed:
Building Owner

Date:

Do you need a Party Wall Surveyor?

It is not unusual to receive a notice from your neighbour announcing works to the Party Wall or Adjacent Excavations. Similarly, how do you inform your neighbour of works you plan to carry out?

The Party Wall etc Act 1996 came into force in 1997 to provide a framework for resolving disputes between neighbours in respect of Party Walls, Party Fence Walls, Boundary Walls and adjacent excavations.

Although the Act is complex, the procedure to resolve a dispute between your neighbour is relatively straightforward. On receipt of a notice from your neighbour, which is normally served by a surveyor acting for your neighbour (Building Owner), you have the opportunity to either consent or dissent. If you dissent on the basis that you require your interest to be considered and protected then you should appoint a surveyor to administer the provisions of the Act.

It is also important to note that in almost every situation your surveyor's fees will be paid for by your neighbour instigating the work, except in exceptional instances.

The two surveyors then put in place (serve) a Party Wall Award which protects you against damage, contains the drawings illustrating the works and a detailed schedule of condition of your property.



How do I inform my neighbour of my proposed works?

If you are carrying out works then you must inform your neighbour (Adjoining Owner) of your intentions in the same way. The best way to start the process is to engage the services of Chartered Building Surveyor to prepare and serve the necessary notices in advance of the works commencing.

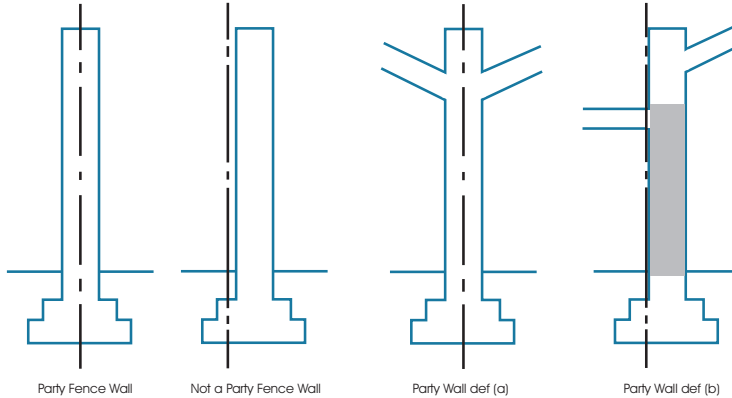
Notices for works to a Party Wall must be served two months before they commence or one month if you are excavating foundations within 3metre or 6metre distances of the neighbouring premises or structure.

For information on whether your works will affect your neighbour or you feel that you are at risk from a proposed development then please refer to the diagrams on the reverse side of this page to find the definitions of a Party Wall, Party Fence Wall, Party Structure and prescribed distances for Adjacent Excavation works. These diagrams are to be used as a guide. Further information can be found at our website www.behanltd.co.uk or alternatively on the government website www.communities.gov.uk/partywall-1996.

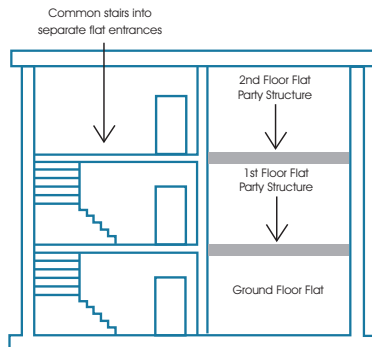
We are committed to assist Building Owners and Adjoining Owners in resolving disputes and administering the provisions of the Act, so if we can be of any assistance then please contact us

What work can you do to a Party Wall/Party Fence Wall/Party Structure under the Act?

Underpinning, thicken, raise, demolish and rebuild, remove projections, insert a chemical damp proof course, insert beams and structure, install flashings, reduce in height, convert a Party Fence Wall into a Party Wall, permanently expose a Party Wall, carry out repairs.



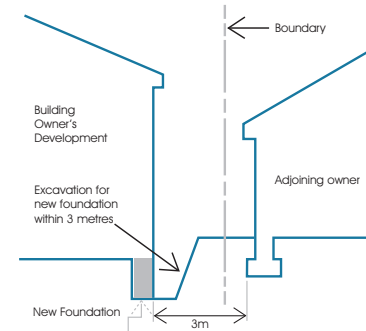
Party Structure – Floor/ceiling between dwellings



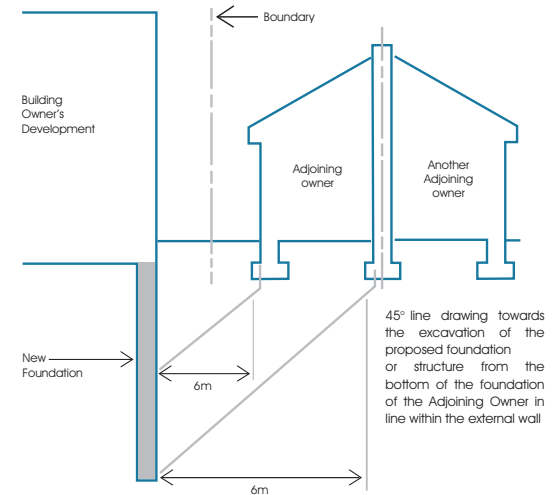
What work can't you do to a Party Wall/Party Fence Wall/Party Structure under the Act?

Create openings for doors and windows, flues, air vents, overflows and permanently remove a Party Wall/Party Fence Wall/Party Structure.

3 metre notice diagram



6 metre notice diagram



Procedure under the PWA 1996

The *Party Wall etc. Act 1996* (PWA 1996) provides a framework to enable neighbours who share a boundary to carry out building works.

A Building Owner must give notice to all registered and qualifying Adjoining Owners of any works that will come within the remit of the PWA 1996. The PWA 1996 also provides a dispute resolution procedure to protect the interests of the Adjoining Owner, while giving the Building Owner the rights it needs to carry out its works. This is achieved by a party wall surveyor(s) serving a party wall award.

	Existing walls (section 2)	New walls (section 1) on or astride the boundary	Excavation (section 6)
Notice required	2 months before works begin	1 month before works begin	1 month before works begin
	NOTE: With all notices an Adjoining Owner can give prior written consent to Building Owner's works		
Counter-notice	Within 1 month NOTE: this also applies to special foundations	N/A	N/A
Content of counter-notice	Adjoining Owner seeks additional works	N/A	N/A
Agreement	Carry out works stated on notice.	Build wall astride boundary	Commence excavation
Dispute Note: Disputes may also be referred to Third Surveyor by owners or surveyors to make an award	Refer to surveyors	Either build wall on Building Owner's land or appoint surveyors	Appoint surveyors
Security for expenses	Adjoining Owner must serve notice under Section 12(1) on the Building Owner if security / deposit is sought		
Appoint party wall surveyors	Parties elect to appoint an agreed party wall surveyor or separate party wall surveyors, who then agree on the appointment of a third party wall surveyor		
Party wall award	This provides; <i>inter alia</i> : The right to execute works. Details of the timing and manner of those works. Which owner is liable for the costs of the award. If these are shared, in what proportion. Which owner is liable for the expenses of the works. If these are shared, in what proportion. The amount of security for expenses (if any).		
Costs of award	The party wall surveyors or Third Surveyor will decide who is liable for the expenses and seek payment before serving the award on the parties.		
Appeal	Either party may appeal to the county court within 14 days of service of the award.		
When is written consent required?	Written consent is always needed for placing special foundations on the Adjoining Owner's land. Terms do not need to be reasonable!		
Right of entry	14 days' notice should be given by the Building Owner to the Adjoining Owner except in emergencies.		
Execution of the works	Carry out works diligently within 12 months of the date of the notice.	Build wall on Building Owner's land unless Adjoining Owner agreed to building astride the boundary.	Carry out works diligently within 12 months of the date of the notice.

		Carry out works within 12 months of the notice expiring (one month after served).	
Serve an account	The Building Owner must serve an account within two months of completion of the works, if the Adjoining Owner is liable for part of the expenses.		
Payments	The new works executed under the PWA 1996 remains vested in the Building Owner until the Adjoining Owner settles its share of the expenses as appropriate.		

Rights of Light



UK property developers are shying away from new projects until more clarity is brought to laws surrounding secretive 'rights to light' deals, exacerbating a shortage in prime London offices and potentially stunting economic growth.

Rights of Light, Daylight, Sunlight and Overshadowing impacts are caused by a reduction in light either entering a building or amenity area due to a neighbouring development. As you would expect, this area is extremely complicated and as such, actionable Rights of Light 'injury' or the refusal of planning permission on the grounds of daylight and sunlight being adversely affected is a highly technical and legally complex matter to the point where a project can be significantly delayed, or even prevented from implementation.

Behan Partnership LLP has extensive expertise and experience in advising on changes within natural light practice for both developers and neighbouring owners affected by developments. We also advise on the implementation of the BRE BR209 2nd Edition on daylight, sunlight and overshadowing practice and how to deal with a tree or hedge dispute under the BR209 2nd Edition and Anti-social Behaviour Act.

Whether you are a developer or neighbouring owner we strongly recommend that expert advice be taken from the outset. By doing so Behan Partnership LLP will ensure your project will be efficiently managed through to completion with every Rights of Light, Daylight, Sunlight and Overshadowing issue handled head on.

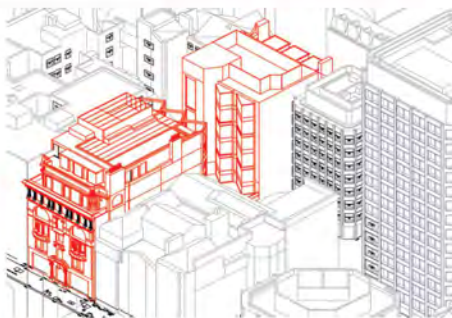
We do this by:

- Providing you with clear, practical and unambiguous solutions to enable your project to run as smoothly as possible.
- Eliminating non-compliance with adherence to planning policies and resolving disputes with developers and adjoining neighbours.
- Keeping you updated on relevant Rights of Light, Daylight and Sunlight Overshadowing issues.
- Identifying and seeking to resolve problems, whilst taking into consideration your objectives.
- Ensuring delays and costs are minimised.

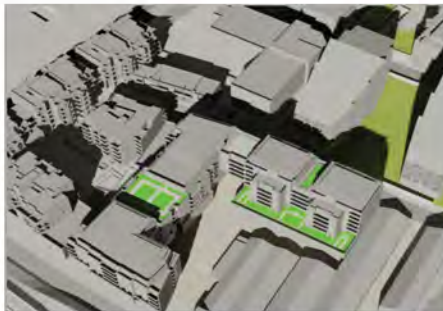
Whether you are located near a proposed development or you are a commercial developer planning a large project, Behan Partnership Ltd ensures that clarity and a high quality advice is delivered at all times.

There are a variety of professional services that we provide in relation to Rights of Light, Daylight, Sunlight and Overshadowing and these are summarised to the right:

Digital 3D Modelling



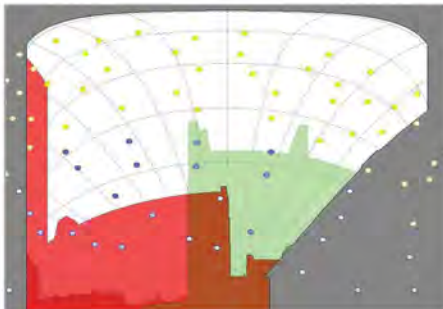
Transient Shadow Image



Transient Shadow Image



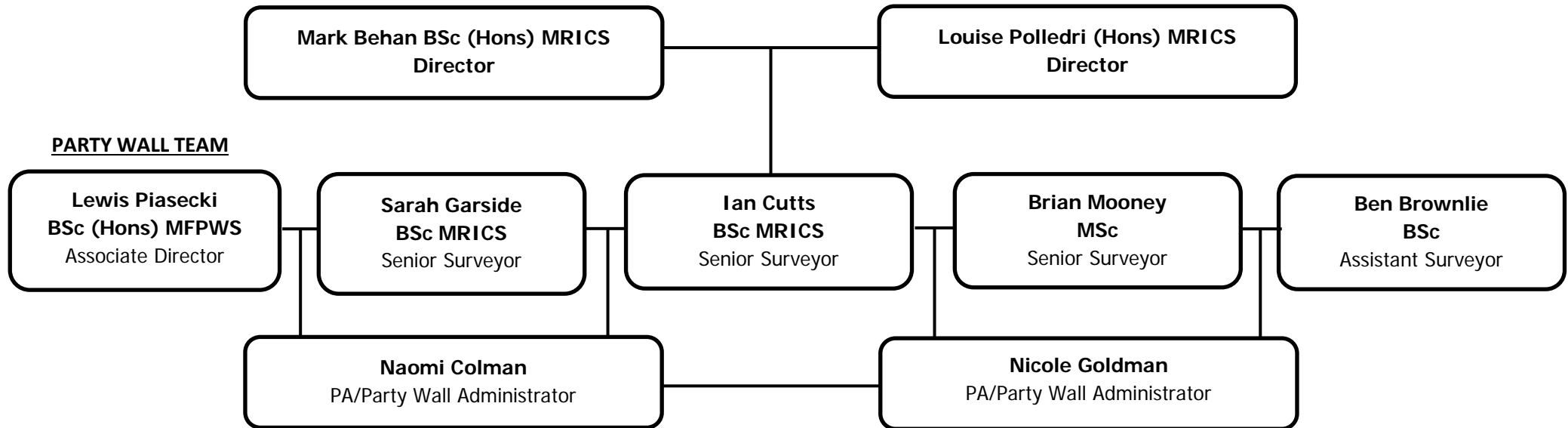
Sunlight Waldram Diagram Measuring annual probable Sunlight & winter hours



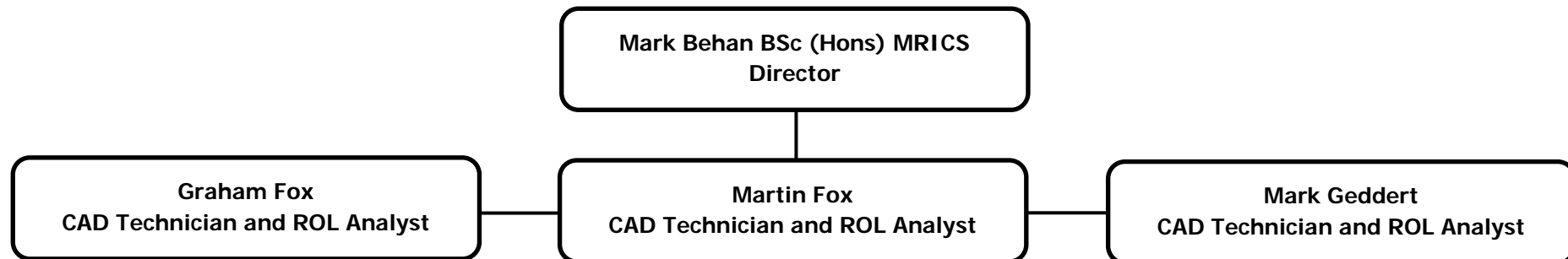
- Right to light detailed studies
- Envelope modelling
- Contextual Models
- Expert Reports
- Preliminary feasibility assessments
- Planning Representation
- Daylight, Sunlight and Overshadowing advice for developers - all our studies are carried out in accordance with the recommendations of the Building Research Establishment Report 209 "Site Layout Planning for Daylight & Sunlight, a guide to good practice" 2011 second edition and British Standard 8206:2 Part 2.
- EIA analysis and Environmental Statements and chapters
- Daylight and sunlight studies
- Overshadowing studies (permanent and transient)
- Solar glare studies
- Deed drawings

Mark Behan MRICS is a member of the RICS Working Group for Daylight and Sunlight and is one of the authors of the new Guidance Note. Should you wish to discuss any matters in relation to the above or the services that we provide then please contact mark@behanltd.co.uk who would be happy to assist.

ORGANISATIONAL CHART



LIGHT TEAM



Behan Team

Mark Behan

Mark founded the practice in 2007 as a multidisciplinary neighbourly matters practice.

Having become a Chartered Surveyor in 1998, he joined international property consultants King Sturge in 1998 where he developed and expanded the neighbourly matters service. Mark made partner and continued his expertise with Delva Patman where he worked for 10 years.

Mark is co author of the RICS guidance notes for Party Walls and Daylight/sunlight. He oversees and advises on all projects with members of the team. Mark regularly acts on landmark schemes as the appointed party surveyor for owners and secures awards as a priority in a robust manner to accommodate critical paths. He has an enviable track record in securing the best settlements for our clients.

He is instructed on major schemes handling rights of light claims; detailed investigations and focused negotiation to provide good leverage to secure increased settlements.

Clients range from pension funds to private developers including Crosstree, The Crown Estate, Grosvenor Estates, Hines, Frogmore, Motcomb, Howard de Walden, British Land, Reef Estates, Royal London, Ecoworld, Viridis, ACAI, Redrow, CLS and many more.

Mark is an experienced tennis player and regularly wins tournaments although he rarely divulges that they are in the 45+ category. He enjoys golf and wishes he had more time to get the rounds in.

Louise Polledri

Louise has been a Chartered Building Surveyor for over 20 years and joined the practice as a Director in 2009 following ten successful years at King Sturge International Property Consultants as Partner within their Project Management Team.

Her robust and personable attitude leading projects ensures that her clients' objectives are fully understood and executed by the team that she carefully selects for every project.

Louise has a long established track record of new build, fit out and refurbishment projects within the commercial, retail and residential sectors.

Alongside her project Management role, Louise assists Mark with the day to day running of the practice and oversees all compliance matters for the firm.

In her spare time Louise enjoys tennis and is an avid Rugby supporter especially on the side lines watching her sons play. She recently started playing golf and soon perhaps will give Mark a run for his money on the golf course.

Lewis Piasecki

Lewis has over 11 years' experience as a Building Surveyor and has spent the past 7 years specialising in The Party wall etc. Act 1996 and neighbourly matters including Access licences and Scaffold or Oversail licences. Having worked for Anstey Horne and David Maycox & Co, Lewis has worked on a number of high profile developments including One Tower Bridge, Cotswold Mews, 61-65 Charlotte Street and most recently the last major development on the Isle of Dogs (to the North side of Westferry Road). Lewis has vast amount of experience with acting as both Building Owners' surveyor plus Adjoining owners' surveyor and is happy to proficiently discharge either role. In his spare time, Lewis enjoys playing golf at Harpenden Common GC and has a season ticket at Tottenham Hotspur which doesn't go down well with Mark or Naomi (active Arsenal).

Brian Mooney

Brian joined the team with over 9 years' experience specialising in Party Wall and Neighbourly Matters in central London. Brian joins the team from Colliers International where he had detailed involvement and providing client advice on several prestigious City projects.

Brian has worked on notable projects such as 11-15 Grosvenor Crescent, London Wall Place, St Johns Wood Square, 1 Undershaft, 38 Lowndes Square and Upton Gardens.

Brian has substantial experience acting for developers on large scale commercial projects as well as acting as an Adjoining Owner's Surveyor on a range of commercial and residential projects.

In his spare time Brian plays semi-professional football and is also a keen photographer.

Sarah Garside

Sarah is an experienced Chartered Surveyor since 2000 and a member of the Pyramus and Thisbe Club since 1997.

Sarah has an impressive career specialising in neighbourly matters services for 20+ years including party wall undertaking sunlight and daylighting matters, to assist client planning applications and providing advice in respect of rights to light.

In conjunction with her core building surveying skills, Sarah has assisted clients preparing Planning and Building Regulation drawings, specifications, carrying out Building Condition Surveys, contract management and general building surveying professional services.

In her spare time, Sarah plays netball for a local team where they remain happily mid-table. She is involved in a Church in Hitchin where she assists with an online wellbeing group amongst other things. Running, cycling and entertaining her Cavapoo dog keep Sarah and her family busy!

Ian Cutts

Ian holds a first class honours degree in building surveying and is a chartered building surveyor.

He has developed a full skill base delivering a broad range of building surveying services to commercial, public sector and residential clients. Ian's extensive experience and proven track record of developing and maintaining strong client relationships is a strong advantage to any project team.

Ian's experience in building construction and providing building advice and pathology is a particular benefit when dealing with Party Wall Matters, damages, claims and providing clear advice.

Travelling is a passion for Ian and he has spent several years in his formative years exploring Europe, South-East Asia, America and Austral Asia.

Ben Brownlie

Ben is undertaking a postgraduate masters degree in Building Surveying.

As a professional rugby player for the last six years, Ben thrives being part of a successful team and continues to improve his skillsets. He has excellent communication, leadership and management skills. His positive attitude and ability to problem solve has been a crucial component in coaching a successful team and has allowed him to continue to adapt to challenging situations in party wall surveying and his career path to becoming a chartered surveyor.

Naomi Colman

Naomi joined the practice in 2011 and has exceptional experience in administering all party wall and neighbourly matters for the team. Furthermore she has been instrumental in formulating and streamlining the firm's processes to assist the team in executing their services as Party wall surveyors and in dealing with Rights to Light matters in an efficient manner.

Naomi has a love of dogs and has recently brought a new addition to her family called Iwan. She loves walking Iwan and is an avid Arsenal supporter and enjoys watching all sports.

Nicole Goldman

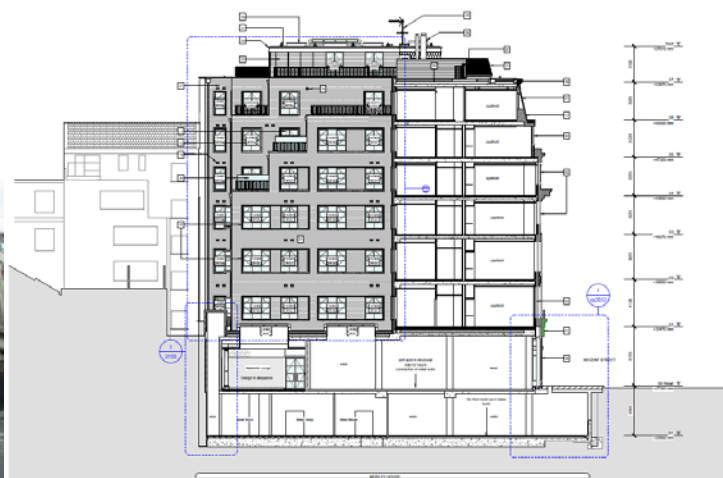
Nicole joined the firm in 2019 to work alongside Naomi in administering all requirements for the team. Nicole previously spent many years as a legal secretary and has experience working at a surveyors practice and understands the fundamentals of all party wall and rights to light processes involved. Having a high level of support for all surveyors is paramount which enables instructions to be dealt with in a timely manner.

In Nicole's spare time she enjoys attending regular Zumba dance classes, loves countryside walks and is an amateur watercolour artist.

CAD Team

Our CAD team is made up of 3 expert CAD technicians with over 40 years' experience in the industry.

Morley House, Regent Street



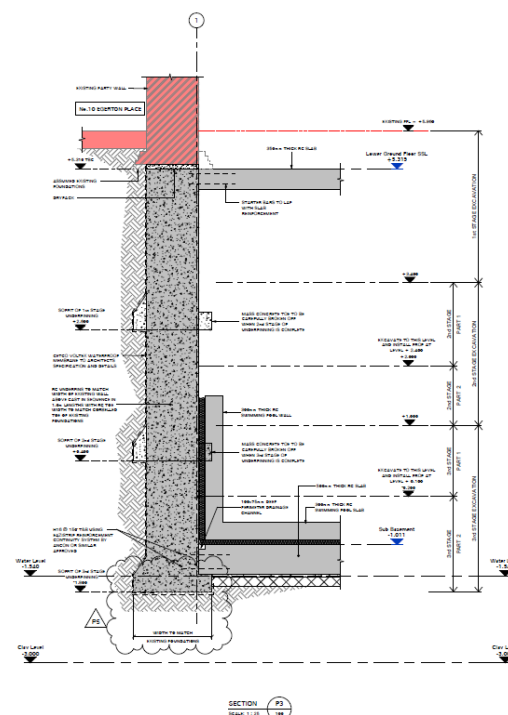
- Multi million pound Crown Estate development in central London
- Demolition behind retained facades, underpinning and full rebuild for commercial and residential properties
- Negotiation and agreement of 9 party wall awards
- Monthly project team meetings and advice on scaffold and crane oversail
- Liaison with main contractor, agreement on temporary works and movement monitoring
- Phased awards to allow commencement and programming of works

St James' Street SW1



- Large West End full demolition and rebuild behind retained facades
- Crown property
- 17 Adjoining owners
- Extensive temporary works and enabling works for demolition
- Sensitive Adjoining Owners, clubs, offices, bank and hotel accommodation

Egerton Place, London SW3



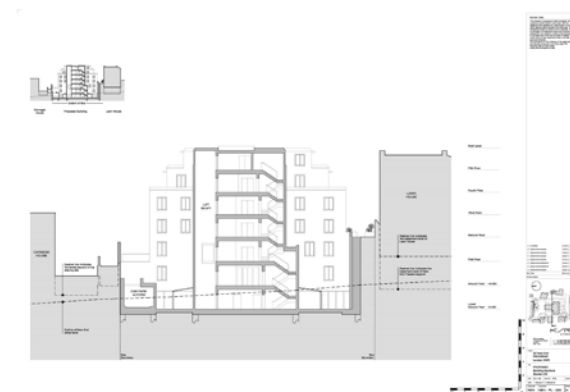
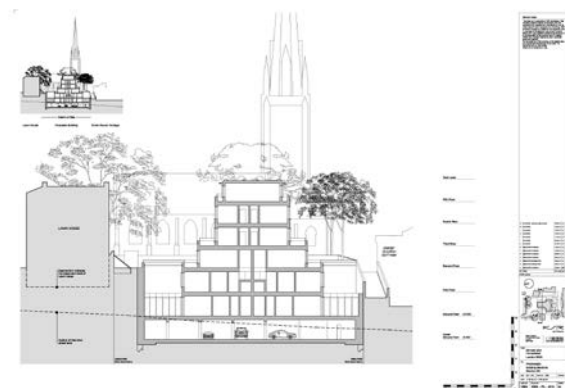
- Refurbishment and extension works Kensington for private owner
- Large scale refurbishment, amalgamation of two properties, structural alterations and double basement excavation
- Agreement of 8 adjoining owner awards, including special foundations discussions with design engineers and agreement on security sums
- Third surveyor referral made

West Drayton Housing Development



- Major house builder development scheme
- Advice provided prior demolition works on Adjoining Owners
- Party Wall awards agreed with numerous residential, commercial and industrial owners for deep piling and basement level carpark, with pre-excavation awards agreed for demolition works
- Access licence prepared and agreed for scaffold oversail

New End, Hampstead



- Private Developer
- Demolition of large Halls of Residence in Central Hampstead
- Excavation for deep piled basement with new residential property over.
- Awards with schedules of condition of historic buildings
- Movement monitoring

Elgin Crescent W11



- Private client refurbishment and piled and underpinned basement
- Agreement on reciprocal basement schemes with Adjoining Owner, shared piling costs and future enclosing
- Dealing with special foundations consent
- Agreeing temporary works and monitoring regime

Lyall Mews SW1



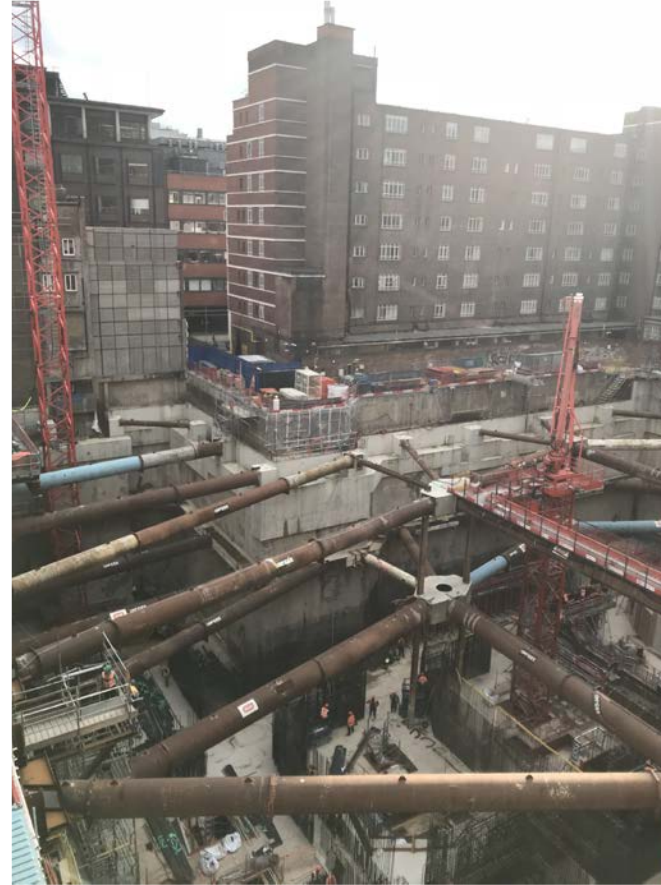
- Private client
- Full refurbishment, amalgamating two mews properties and basement construction
- Movement monitoring
- Security for expenses agreed
- Enclosing sums agreed for mansard and basement constructions
- Existing underpinning encroachment assessed and costed
- 19 Party Wall Awards

Wigton Place, London SE11



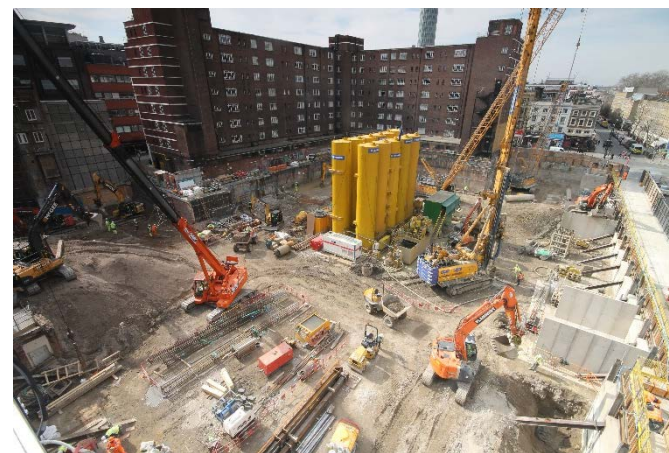
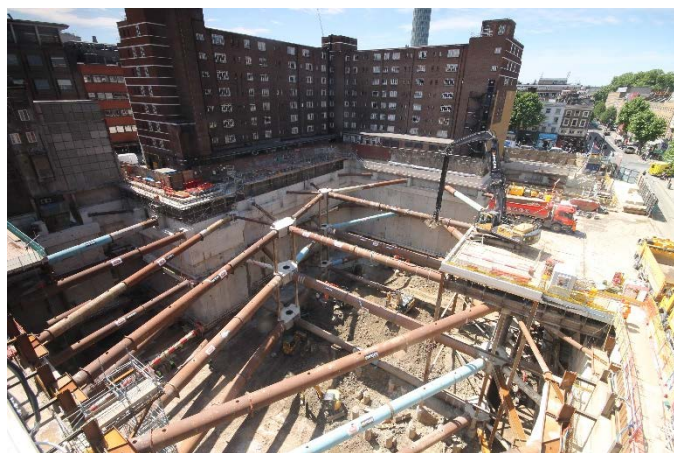
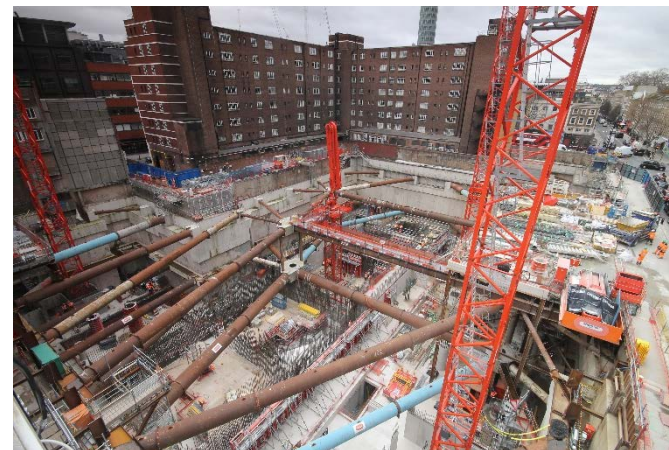
- Development of old industrial site to create new residential units
- Basement excavation, underpinning, boundary treatments
- Various Party Wall Act notices served and Awards agreed
- Special foundations consent and security for expenses

UCLH Proton Beam Centre, Warren Street

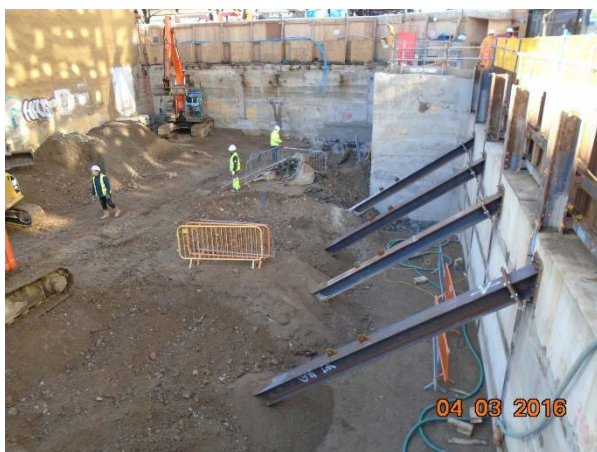
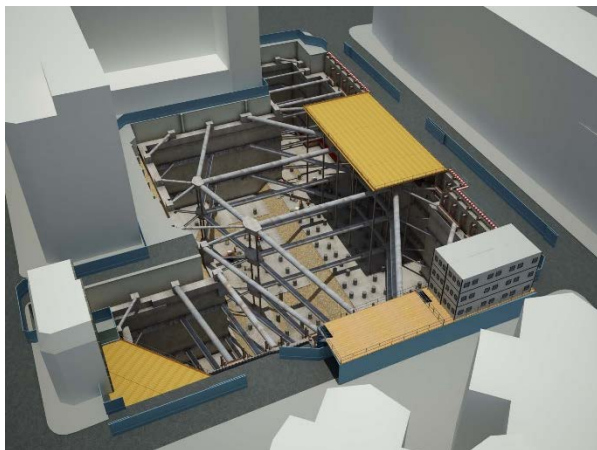


- UCLH constructing the world's advanced form of radiotherapy; Proton Beam Therapy (PBT)
- Acting as Party Wall Surveyor for UCLH and securing dozens of awards for demolition, piling, diaphragm walls, underpinning, bulk excavation and superstructure
- Negotiating hoarding, Scaffold and Crane oversail licences
- Advising on Neighbourly matters outside of party wall legislation

UCLH Proton Beam Centre, Warren Street



UCLH Proton Beam Centre, Warren Street



UCLH Proton Beam Centre, Warren Street



UCLH Proton Beam Centre, Warren Street

