To: London Borough of Hounslow
Asset Management and Commercial Property
Hounslow House
7 Bath Road
Hounslow
Middlesex
TW3 3EB

For the attention of: The Head of Asset Management and Property

Our ref: 83752/46/MCJ/TSS
Date: 15 November 2019

Dear Sir/Madam

Garages Adjacent 86 Beech Avenue, Brentford TW8 8NH (Site 19)
Party Wall etc. Act 1996 (the "1996 Act") and Neighbourly Matters

We have been instructed by London Borough of Hounslow to advise on issues that will need to be taken into consideration in respect of the Party Wall etc. Act 1996 and access issues in the event of redevelopment of the garage block adjacent to 86 Beech Avenue, Brentford TW8 8NH (the "Site"). Our preliminary advice is set out in this report.

Introduction

Our assessment of party wall and access matters in relation to the proposed redevelopment is set out below and is based on a Site inspection as well as the following information provided to us:

- Block plan at 1:1250 scale showing the site outlined in red.

We understand that it is proposed to redevelop the site to provide a new housing, however, no architectural, or engineering designs or details for the proposed development have yet been produced.

In light of the limited amount of information currently available, the reader is advised to treat this as a preliminary assessment at this stage. It is recommended that the preliminary advice in the report be re-considered once the proposed Site layout and building design has been established, in order to confirm, with greater accuracy, the nature of the notices that would need to be served under the Party Wall etc. Act 1996 and the nature of any access issues that are likely to arise.

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In formulating our recommendations, we have inspected the utilised online street mapping, online aerial photography and we have briefly checked Land Registry title data.

The site



Photo of the front elevation.



Site plan.

The Site is located at the junction of Maple Grove and Almond Grove and generally slopes from north to south.

The Site is approximately 107 sq. m and consists of a garage block containing 3 no. garages formed with single skin facing brickwork and profiled metal covered flat roofs. There is an in-situ concrete hardstanding adjacent to the garages.

The side and rear walls of the garage block are built up to the boundary lines. The in-situ concrete hardstanding, is situated to the east of the garage block and adjoins Almond Grove. The boundary along this side is not built on within the meaning of the Act.

Access to the garages is via Almond Grove, which is registered under the freehold title of Syon Lane Estate.

Party Wall matters – notice provisions

In simple terms, the 1996 Act will apply if it is proposed to:

1) Construct a wall up to, or astride the legal boundary between land in different ownership (Section 1: *Line of Junction* works); and/or
2) Undertake certain building works to a wall in joint ownership, or in some cases a neighbour's external wall (Section 3: *Party Structure* works; and/or
3) Undertake excavation works within certain dimensional parameters (3 and/or 6 metres) of a neighbour's building or structure (Section 6: *Adjacent Excavation* works).

Each of the three situations described above has been considered in relation to redevelopment of the Site and our observations are set out under the numbered headings below.

1) Line of junction works

Line of junction works arise when construction of a new wall up to or astride a boundary is proposed, which has not previously been built upon (or only to the extent of a boundary wall). A boundary wall is one which sits wholly on the land of one owner and does not form part of a building.

While the boundary to the west is currently built upon, the boundary to the north and south are partly built upon and the boundary to the east is not built upon.

Line of junction notices therefore will need to be served on the following properties if the proposed development involves the construction of an external wall of a building and/or free-standing boundary walls up to or astride the legal boundary:

- Syon Lane Estate Brentford, TW8.
- 86 Beech Avenue, Brentford TW8 8NH.
- 54 Almond Grove, Brentford, TW8 8NL.



Almond Grove in front of the garage block which is registered under freehold title of Syon Lane Estate.



Party fence to 86 Beech Avenue.

2) Party structure works

Party structure works relate to any adaptions proposed to shared walls, partitions or floors. These works also include limited types of building work proposed to external walls of an adjoining owner's property (for example cutting a chase for a flashing to weather the junction between two properties or cutting away projections).

From our review of the site there is a party structure to the south boundary. So service of notice may be required upon the following properties if the proposed development is built in very close proximity to the boundary:

- 54 Almond Grove, Brentford, TW8 8NL.



Party fence wall to 54 Almond Grove.

3) Adjacent excavation works

Building work which involves excavation within notifiable distances (3 metres or 6 metres, depending on the depth of any proposed excavation) will require notice to be served on adjoining properties and structures.

From our review of the site, it is anticipated that adjacent excavation notices are likely to be required in respect of the following properties, if the proposed development is within the notifiable distances (3 metres or 6 metres):

- 54 Almond Grove, Brentford, TW8 8NL.
- 86 Beech Avenue, Brentford TW8 8NL.

The requirement for adjacent excavation notices is subject to confirmation of the proposed depth and position of excavations and the foundation design of any adjoining properties within 6 metres and confirmation of the depth(s) to which all parts of the new development will extend.

Adjoining owners

The nature of the parties, on whom notices must be served, is prescribed by the 1996 Act. Persons owning the freehold interest in a property and any person with a leasehold interest in the same property must receive notice. Persons with leasehold interests granted for a term of one year, or less, tenants at will and mortgagees are not owners and do not need to receive notice.

Our site inspection and review of the information available online at Land Registry indicate that the following number of interests will require service of notice:

Properties	Freehold Owner	Leasehold Owners
Syon Lane Estate Brentford, TW8	1	0
54 Almond Grove, Brentford, TW8 8NL	1	0
86 Beech Avenue, Brentford TW8 8NL	1	0
Total	**3**	**0**



It should be noted that registration of a leasehold interest at Land Registry is only possible if the term of the interest granted is 7 years or more. Leases granted for a term of years that is shorter than 7 years cannot be registered. Thus, it is possible that further un-registered owners could be identified in due course, or that a number may be discounted following further research if a lease term has expired since this report was issued.

Upon receipt of a notice served pursuant to the 1996 Act, an adjoining owner has the option to consent to the works identified in the notice, at which point, no further input is required by Party Wall Surveyors. Alternatively, the owner may dissent to the works identified. Upon dissenting, the adjoining owner can either agree to the appointment of a single 'agreed surveyor', to act impartially between the parties, or alternatively appoint a separate surveyor to act on their behalf.

Once a dispute has arisen and a surveyor, or surveyors, are appointed, they will produce an Award governing the timing, manner and execution of the notifiable works.

Party Wall matters – delivery programme

The Act sets certain statutory timescales which must be adhered to and have been put in place to safeguard the interests of both the developer and adjoining owners/neighbours.

Adjacent Excavation and Line of Junction notices must be served minimum of one month before works to which they relate commence on Site, whilst Party Structures notices have a two month notice period. However, we would recommend that you allow at least three to four months (from the date the notices are served) to agree the Awards. The speed with which Awards can be agreed is ultimately dependent on the flow of design information from a project team as the timing and manner of executing the work can't be agreed without relevant design information, risk assessments and method statements.

Fee budgets

The developer's surveyor's fees will be dependent on, among other things, the precise nature of the development proposed, the number of notices served and the number of Awards agreed as a result.

Developer's party wall surveyor

Based on the preliminary information available, it is considered that up to 6 notices will need to be served and 6 Awards with schedules of condition might therefore result. We recommend you budget an average figure of £2,250, plus VAT, per Notice and Award/Schedule of Condition. A total fee budget in respect of services required from a developer's party wall surveyor might be up to £13,500, plus VAT.

Once re-development proposals have evolved into a more definitive scheme, we would be happy to provide more definitive guidance as to the fee budget required. It may also be possible to reduce the number of Notices/Awards required if the proposed development is positioned away from the adjoining buildings and boundaries. We would be happy to provide advice at the design stage to assist with this.

Neighbours' party wall surveyors

It is the convention in party wall matters that the developer pays the reasonable fees of the neighbour's party wall surveyor. The surveyor's reasonable fees could also include any advising structural engineers the neighbour's surveyor may wish to appoint. We recommend a fee budget for adjoining surveyors similar to that of a developer's party wall surveyor.

Access matters

Access/Oversail licences

In limited circumstances, rights of access to a neighbor's land and/or air space can be obtained under the Party Wall etc Act 1996, but only in respect of the building work identified in the initiating notices.

However, in most circumstances a developer will not have a right to enter neighbouring land, or air space for the purpose of erecting a scaffold or to oversail with a crane. Separate access licence agreements would be required for such access and there are not statutory procedures to be followed in respect of the procurement of such licences.

The adjoining owners do not have to grant you a license, but commercial owners tend to be amenable to this, subject to payment of financial consideration being offered. There is no formula for calculating the financial consideration and it is usually agreed by commercial negotiation. In some cases, neighbors might take a rather mercenary, single-minded approach.

The requirement for an access/oversail license will be dependent on the position of the building (or buildings) comprising the development relevant to the legal boundary and the methods of construction envisaged.

The need to obtain consent to access adjoining land for the purposes of re-developing the Site can be avoided if the design of any scheme features a spatial gap between the legal boundary of the Site and the nearest major element of construction (external wall) of a new building of about 1000mm to 1,500mm.

Please do let me know if you have any questions or queries.

Yours faithfully



Matthew Janes
Associate