

The Party Wall etc. Act 1996: Section 6(2) - 6m

Notes:

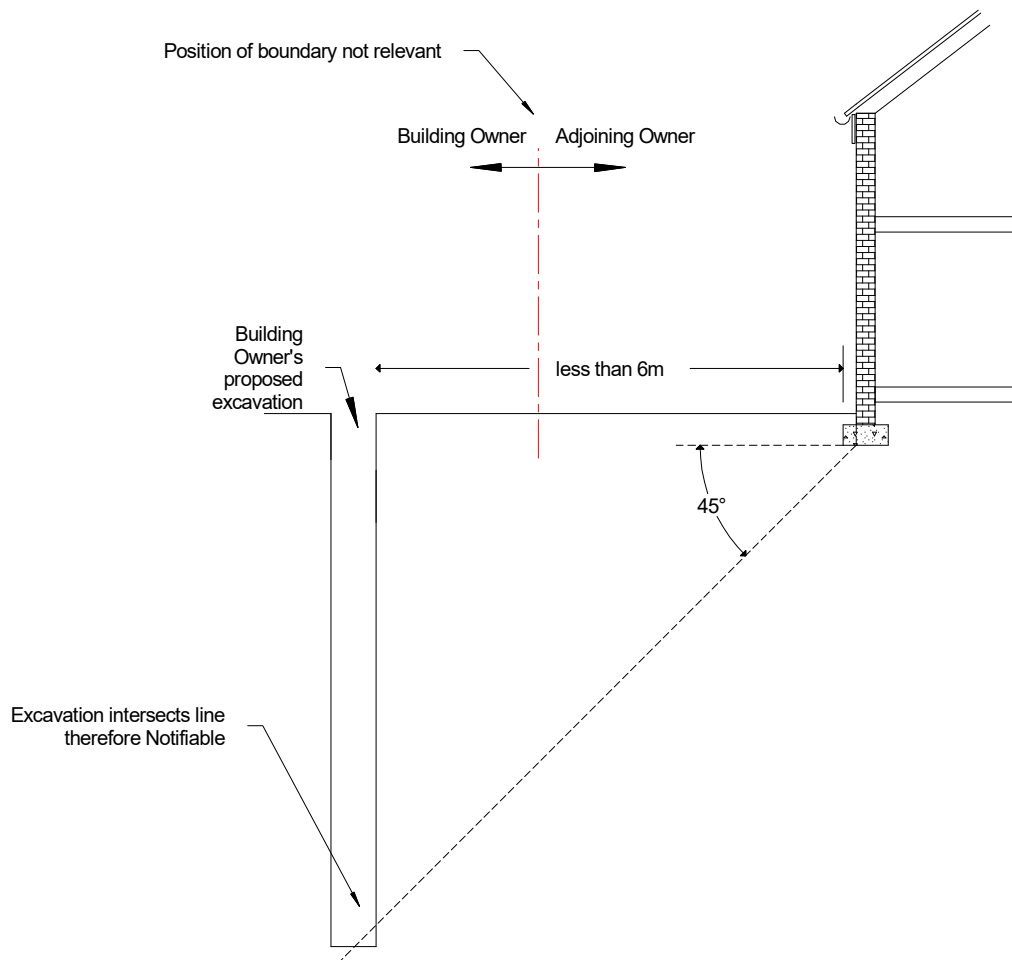
Section 6 relates to proposed excavations and their proximity to the foundations of adjoining owner's structures. The position of the boundary between the properties is not relevant under this Section.

For Section 6(2) the governing distance is 6m. This is measured horizontally from the face of the adjoining owner's structure (likely to be the projecting foundation) and the face of the proposed excavation. The level aspect is taken from the bottom of the adjoining owner's foundation running downwards at an angle of 45 degrees.

If the excavation intersects this line it is Notifiable. The property does not have to be directly neighbouring to be in scope of Section 6. Piling is a common activity to be Notifiable under Section 6(2).

Adjoining owners' structures include masonry walls and masonry garden buildings, but not wooden fences.

Section 6 Notices must be served at least 1 month before commencing work. The Notice must be accompanied by plans and sections showing the site and depth of the proposed excavation and the site of any proposed building.



The Act: Section 6(2)

- (1) This section applies where -
 - (a) a building owner proposes to excavate, or excavate for and erect a building or structure, within a distance of six metres measured horizontally from any part of a building or structure of an adjoining owner; and
 - (b) any part of the proposed excavation, building or structure will within those six metres meet a plane drawn downwards in the direction of the excavation, building or structure of the building owner at an angle of forty-five degrees to the horizontal from the line formed by the intersection of the plane of the level of the bottom of the foundations of the building or structure of the adjoining owner with the plane of the external face of the external wall of the building or structure of the adjoining owner.

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