



Surrey Building Control Guidance Note - Number 2



Being a good neighbour

Should I consult my neighbour when I propose to carry out building work?

The list below is intended to give you a guide on how to avoid disputes with your neighbour when carrying out building works.

Please consider the following when you propose to carry out building work:

- **Are you aware of the exact boundaries to your land,**
- **Have you shown a copy of the plans to your neighbour,**
- **Have you discussed your proposals with your neighbour,**
- **Have you spoken to your neighbour specifically about the following items:**
 - a) The proposal being constructed partially over the boundary,
 - b) The encroachment of the foundation into their property,
 - c) The detailing of the connection of the proposal to your neighbour's building,
 - d) The encroachment of the eaves/guttering into their property,
 - e) The connection of the new drainage system into your neighbour's inspection chamber/drain,
 - f) Access for maintenance, repairs, painting, clearing gutters etc,
 - g) Overlooking windows,
 - h) The proximity of outlets and flues,
 - i) The position of soakaways and potential surface water run-of,
 - j) How you intend to keep the site clean, tidy and dust free during the construction process,
 - k) How access to land will be maintained,
 - l) The times that work will be carried out,
 - m) How noisy work will be kept to a minimum.

Once initial discussions have taken place you will have to legally consult your neighbour if work affects the boundary, party wall or has deep foundations close to the boundary.

This is because [The Party Wall Act 1996](#) applies:

The Act provides a framework for preventing and resolving disputes in relation to party walls, boundary walls and excavations near neighbouring buildings. You must give adjoining owners notice if your proposals involve work on an existing wall shared with another property, building on the boundary with a neighbouring property or excavating near a neighbouring building. Adjoining owners can agree or disagree with what is proposed and the Act provides a procedure for the resolution of disputes. The Act is a civil matter and **not** in the jurisdiction of the Council.

Will the Council consult my neighbours?

The Council consults widely when you apply for Planning Permission:

This usually involves public consultation. Normally neighbours are invited to comment on applications and, in some cases, site and press notices are used to publicise the larger

schemes to a wider audience. Members of the public and representatives of external organisations or agencies are able to attend Planning Committee meetings where elected representatives discuss applications and make decisions.

It is not normal to consult when you apply for Building Regulation consent, because:

Building Regulations set minimum technical standards relating to health and safety. Unless a developer is seeking a reduction in standards, and it is felt that this may affect adjoining owners, there are no statutory requirements for consultation.

Please note that Planning and Building Regulation permissions give no rights in respect of land not in the applicant's ownership. Matters of encroachment, rights of access, maintenance, connection and use are not in the jurisdiction of the Council and private legal advice should be sought.

Please note that these guidance notes are for advice only and may not cover all situations. It is your responsibility to ensure that they are appropriate for use in your particular circumstance.