

PROTECTION OF ADJOINING PROPERTY

As part of a Building Surveyors role, an assessment must be made as to whether protection works in respect to any adjoining properties are required to be provided before and during the carrying out of building works.

The provision of protection works as set out in the Building Act 1993 is essential, not only is it to protect the adjoining property, but it also minimizes the risk for the owner of the building site, as the Act places the responsibility for protection of an adjoining property on the owner of the site where the proposed works are being carried out.

It is important that communication with adjoining owners be positive and proactive as the proposed works cannot commence until such time as any required protection works have been determined by the Building Surveyor as being appropriate or where an adjoining owner has objected, the appeal period of 14(fourteen days) has expired.

Owners of building sites should also be aware of other important obligations to be fulfilled prior to works commencing,

1. Building permit to be obtained
2. Insurance cover to be arranged (Section 93 of the Act)
3. Survey of adjoining property to be arranged (Section 94 of the Act)

In considering a reply by an adjoining owner, the Building Surveyor can only consider those issues raised in relation to the appropriateness of the proposed works.

FOR ADDITIONAL INFORMATION, PLEASE REFER TO THE LINKS PAGE AND FOLLOW THE LINK TO THE BUILDING COMMISSION WEBSITE.