

Statement in relation to the party Wall

It has been identified that there could be a possible objection on a boundary to a servient tenant being of No.59 where there is a right of way that is subject to fair pay payment for the upkeep of the area. For the avoidance of doubt, there will be no loss of amenity for the said property however, it has been evident that the said property is frustrating the process as they refuse to pay for the upkeep and share of the works needed due to structural failure to make the area safe and secure, this also includes a refusal to pay a share in public liability insurance and lighting costs. We have formed the opinion based on previous facts that they will more than likely frustrate the process of development again by providing vexatious allegations that are without merit as they will benefit more than we will. Through the historic and present behaviour of the said property, they have prevented us from enjoying our property by criminal damage, nuisance, and refusal to engage in mediation and negotiation. Principally, for the safe wellbeing of the community and users of the facility, they have refused to engage in any process of managing a dangerous structure caused by them and changes they made. This duty contravenes their Common Law Duty of care that they have a general duty of care to prevent foreseeable harm to others due to the condition of their property, furthermore under the Occupiers' Liability Act 1957 and 1984 they, being the property owners have a duty to ensure that visitors, tenants, and others are reasonably safe from foreseeable harm caused by the state of the property. This includes taking steps to prevent dangers or warning about them. Implicitly breaching the Health and Safety at Work Act 1974 they, being the property owners have a duty to ensure the health, safety, and welfare of employees and others who may be affected by their activities. This includes managing risks related to the building's condition. By refusing in reasonable engage in any appropriate action they have breached their legal responsibilities regarding the management of dangerous buildings to ensure the safety of occupants and the public under the justification they don't want to spend any money.

Regarding matters of compliance to Building regulations, the modifications to the said roof of No.59 Property owners must comply with building regulations that cover structural stability, fire safety, access, and other essential safety measures. Failure to comply could render a building dangerous. We as the property owners of No.63 are obligations under the Construction (Design and Management) Regulations 2015 (CDM 2015) require that they collectively ensure construction work will be carried out safely and without risks to health. Regulation 19 of CDM 2015 applies where construction work is undertaken in a way that could compromise the structural integrity of a building or structure. This requires all practicable steps to be taken to prevent danger to anyone arising from the collapse of any new or existing structure (or part of a structure) which may become unstable as a result of previous or current construction works. We as the property owners have made all parties involved have advocated that already dilapidated or weakened structure is more easily compromised than a robust and complete structure. In the case of planned demolition or dismantling Regulation 20 also applies. Regulation 19 applies to construction work on existing permanent works, new permanent works, incomplete permanent works and temporary works. An item of temporary works may comprise a structure in its own right or may form an integral part of a larger structure – including situations where one part won't be stable without the other being present.

Regarding matters of fire safety (Regulatory Reform (Fire Safety) Order 2005) the property of number 59 will benefit from an enhanced protections that are in excess of 60min by a compartment wall running the height of the building in a continuous vertical plane:

Building Regulations 2010 B (Wales): Section 6: Compartmentation

6.1 The spread of fire within a building can be restricted by sub-dividing it into compartments separated from one another by walls and/or floors of fire-resisting construction.

6.7 Compartment walls that are common to two or more buildings should run the full height of the building in a continuous vertical plane.

Building Regulations 2010 B (Wales): Section 9.1 Provisions are made in this section for the external walls of the building to have sufficient fire resistance to prevent fire spread across the relevant boundary.

Unfortunately due to the lack of willingness of the adjoining property given reasons of historic 150 year old shop shelves, there is no disposition to address urgent structural issues and it's impossible to resolve as a civil matter for now 3 years. This alternative resolution of building another gable end in front as, the parties belonging to number 59 have refused permission and willingness to rebuild the failed party wall between both building and taking into account they are listed as local historical importance, there is no feasible and economical way of supporting both buildings without running the risks of the structures collapsing into the highway and the low risk controlled option of building another party wall alongside outweighs any objections and both parties and the community will benefit of retaining a buildings of local importance.

The parties have been served notice and have failed to respond to a letter offering an independent party wall surveyor and ADR, the final offer of a resolution was made in December 2023 and was declined.