

Frequently Asked Questions

DIY

Introduction

Most people will undertake DIY in their home at some point, especially if they have just moved in or are redecorating. We have to accept that many people have jobs and therefore the only time they are able to undertake works is during the early evening and weekends. This does not however give them permission to annoy neighbours at all times of the day and night. Disturbance can be minimised by considering what activity you are undertaking and when you are undertaking it.

What sort DIY can cause a nuisance?

Any activity such as hammering, drilling, use of power tools such as planers, sanders and the use of generators has the potential to be noisy and or create dust.

What are the hours of use for DIY work?

There are no hours set in law for DIY activities however to avoid causing a Statutory Nuisance (see below) we would recommend the following as a guide;

- **Weekdays 08.00 – 6pm**
- **Saturday 09.00 until 1pm**
- **Sunday – Negotiate with your nearest neighbours.**

Please note that quiet activities such as painting etc can occur after these times.

My neighbour has complained to me but I need to get the work done what can I do?

We would recommend that you let your nearest neighbours know what you are doing. Often people complain to the Council because they don't know how long you intend to be doing the work. Often the activity is short lived and therefore if you advise your neighbours they may be more understanding. It also allows them to make alternative arrangements ie to go out during any noisy work

What about the use of radios?

Often people listen to radios during DIY. Please consider the volume to acceptable levels especially during the evening.

Can the Council investigate complaints about DIY noise?

Complaints can be investigated under the *Environmental Protection Act 1990*. Standard letters are sent to both parties, and the complainant is required to complete diary sheets to record when the noise occurs. Thereafter visits may be made by officers to determine whether or not a Statutory Nuisance is occurring. We would try and offer advice and assistance to the person who is alleged to be causing the noise of measures that could be taken to minimise the noise. **Please note dictaphones can be made available as an alternative to completing monitoring forms on request.**

What action could the Council take?

If the Council is satisfied that the noise is causing a Statutory Nuisance, a notice can be served which can stop the activity occurring.

What if I don't want to make a formal complaint?

Many situations can be resolved on informal basis, perhaps by speaking with your neighbour to discuss your concerns and trying to reach an agreement. Environmental Services are unable to investigate anonymous complaints under the Environmental Protection Act 1990 however there is the option for any individual to take a private action under the same Act without any involvement by the Council. We have a fact sheet with some guidance on how to tackle your neighbour "*Direct Negotiation with a Neighbour*".

How do I take a private Action?

1. Under section 82 of the Environmental Protection Act 1990, any person may make a complaint directly to the Magistrates' Court that they are aggrieved by a statutory nuisance.
2. You may take your own legal action for an injunction or damages in respect of private nuisance.

Environmental Services would advise contacting a Solicitor regarding private action, please note that you would be responsible for any costs incurred by this course of action.

I need to undertake work on the wall between our house and the neighbours house is this allowed?

Work on a wall or floor dividing two properties known as a 'party wall' such as wall paper stripping, wall preparation, cutting into plaster for sockets etc can create a lot of noise.

Do I have to tell my neighbours I am doing work on a party wall?

You are legally obliged to give notice and details of the proposed works which **structurally affect** the party wall or of any excavations close to the wall to all adjoining owners. If you start work without giving such notice the adjoining owner may seek redress through the courts.

How long in advance of works do I need to serve notice?

At least 2 months before the planned start of work to the party wall or one month if it is related to excavation work near to adjoining buildings.

What constitutes work near adjoining buildings?

This is where you plan to excavate or construct foundations within 3 metres of an adjoining owners building where the work will go deeper than the neighbours foundations. Also within 6 metres of a neighbouring owners building where the work will cut a line drawn downwards from the bottom of the neighbour's foundation.

What if I can't reach agreement with my neighbour?

If you are unable to reach agreement through friendly discussion and creating your own agreement in writing, you may jointly approach a surveyor to draw up an agreement to suit both neighbours. If this is not possible each neighbour will have to appoint their own surveyor. These two surveyors will agree upon nominate a third surveyor who will only be called upon if the two surveyors cannot agree. Both neighbours must then permit works as set out in the schedule drawn up by the surveyors. The Royal Institute of Chartered Surveyors, 0207222 7000, can supply you with a list of local surveyors as can Yellow Pages.

Please note that this information is not an authoritative interpretation of the law and reference should be made to the Party Wall etc Act 1996.

If you should require further information regarding this aspect of our work please contact us:

Telephone: 01508 533830

Email: envserv@s-norfolk.gov.uk

South Norfolk Council

Swan Lane

Long Stratton

NR15 2XE



Please note that all South Norfolk Council fact sheets are available in large print, cassette form or alternative languages upon request