

TANFIELD

PROPERTY & REAL ESTATE BARRISTERS



Nicholas Isaac KC

Year of call Silk
1993 2019

Nicholas Isaac KC is described by Chambers and Partners as *“Utterly brilliant... and incredibly knowledgeable”* *“a compelling advocate”* who is “fantastic with clients”. He has extensive experience in all aspects of property litigation, and relishes the challenge of difficult cases, last-minute instructions and novel points.

In addition to party walls, boundaries and easement cases, for which Nick is particularly sought after, Nick has recently acted and advised in cases involving: fraud and breach of trust, commercial lease renewal, restrictive covenants, terminal dilapidations, service charges, relief from forfeiture, houses in multiple occupation, property damage and professional negligence, nuisance (including construction and noise nuisance) and trespass.

Nick’s practice also includes commercial work in which recent instructions include a partnership claim on dissolution of the partnership, an unfair prejudice petition and breach of contract by a bank in relation to its customer.

As well as lecturing regularly on various aspects of property law, including party walls and boundary disputes, Nick has written several books, including *“The Law and Practice of Party Walls”* (now in its 2nd edition) *“Where is my boundary?”*, *“The New Party Wall Casebook”* and, most recently in August 2022, *“The Rights of Light Casebook”*. Nick also sat on and provided legal input to the RICS sub-committees writing the most recent editions of the RICS’s guidance notes on both party walls and boundaries

Nick has extensive experience in alternative dispute resolution, and is happy to accept instructions to act as a mediator or arbitrator. He also accepts direct access instructions.

Real Property

Although experienced in most aspects of property law, Nick is particularly sought after for his expertise and experience on easements (including rights of way and rights of light), party wall matters, and boundary disputes. He is widely recognised as a leading expert in the law of party walls, and is the author of "The Law and Practice of Party Walls".

In the last twelve months. In addition to the areas he is most known for, Nick has dealt with cases involving property damage, service charges, terminal dilapidations, restrictive covenants, construction nuisance, lease renewal and construction of lease covenants, amongst many other things

ADR

In addition to over 25 years experience in courts at all levels, Nick has extensive experience in mediation and arbitration, regularly advising and acting successfully in both forms of ADR.

Notable Cases

Goodmans Autos Ltd v Maverstone Properties Ltd [2023] EWHC 1882 (KB)

Successfully resisting an appeal in a claim involving allegations of concrete overspill trespass from piled foundations.

Bucknell v Alchemy Estates (Holywell) Limited [2023] EWHC 683 (Ch):

Successfully defended a claim for an injunction preventing development in respect of a right of way expressly granted.

Power V Shah [2023] EWCA 239

Important appeal dealing with the extent of party wall surveyors' jurisdiction under the Party Wall Etc. Act 1996.

Morgan v Egan [2020] EWHC 1025 (QB)

Appealing a trial judge's refusal to adjourn a trial on medical grounds.

Chiswick Village Residents Ltd v Southey [2019] UKUT 148 (LC)

Overturing a reduction in the recovery of professional fees on the basis of a failure of natural justice; recovery of directors' insurance and other corporate expenses via service charges.

Alan Coates v Marathon Estates Ltd [2018] UKUT 0031 (LC)

Enforcement of management order made under section 24 of Landlord and Tenant Act 1987 against third party.

Lea Valley Development Ltd v Derbyshire [2017] 4 WLR 120

Correct way of approaching compensation claims under section 7(2) of Party Wall etc. Act 1996.

Lea Valley Development Ltd v Derbyshire [2017] EWHC 1243 (TCC)

Whether dispute resolution under s.10 of Party Wall etc. Act 1996 excludes jurisdiction of court.

Watson v Sadiq [2017] EWCA Civ 313

Successfully resisting appeal against committal order.

Farrs Lane Development Ltd v Bristol Magistrates Court [2016] EWHC 982

Extent of surveyors' jurisdiction to make and enforce party wall awards.

Chliaifchtein v Wainbridge Estates [2015] EWHC 47 (TCC)

Successfully recovering the costs of a without notice injunction for breach of a party wall award.

Patel v Peters [2015] 1 WLR 179

Party Wall Etc. Act 1996. Appeal against ex parte award made under section 10(6) and (7). First consideration of an ex parte award by the CA.

Abid v Nata Lee Ltd [2014] EWCA Civ 1652

Informal boundary agreements and adverse possession issues; useful observations as to extent of leeway to be given to litigants in person.

Emmett v Sisson [2014] 2 P&CR 3

Whether dominant tenement owner entitled to maintain entirely open access to right of way where it adjoined dominant tenement.

Stannard v Gore [2013] 3 WLR 623

Key case examining the rule in Rylands v Fletcher as it applies to escape of fire.

Recommendations

"He is very good at focusing on the key issues, and setting aside issues which may otherwise form a distraction. His commercial awareness is a real strength."

Chambers UK 2024

"Nick is very good at controlling the lay client and getting to the heart of the issues. He has an air of confidence which is important for clients."

Legal 500 2024

"Nicholas Isaac is good at cutting through the irrelevance for the client, and he is very accessible and well liked by clients." "He is methodical in his cross-examination."

Chambers UK 2023

"Nick is very good at controlling clients and is unfazed. He presents very confidently to clients and is very accessible, and on top of that is a calm advocate."

Legal 500 2023

"He is very accessible and unfazed by things and that gives you massive confidence working with him." "He is considered, focused and approachable."

Chambers UK 2022

"Considered, focused and approachable. To the point and very knowledgeable."

Chambers UK 2021

"He is a formidable advocate and is fantastic with clients from all backgrounds – managing HNW clients particularly effectively."

Legal 500 2021

"Utterly brilliant in party wall disputes for high-end properties and incredibly knowledgeable."
"Very tenacious in court."

Chambers UK 2020

"He has an ability to handle the most challenging and difficult of clients."

Legal 500 2020 (Property Litigation)

"The go-to party wall person."

Chambers UK 2018

"He is a really good property litigator." "He is a compelling advocate and I don't know anyone better at managing a challenging client."

Chambers UK 2017

"Well regarded by sources for his expertise in party wall matters. He also has extensive experience in easements and boundary disputes." "He is accessible, personable and efficient in the delivery of advice."

Chambers UK 2016

Publications

- Author: *The Law & Practice of Party Walls* – Property Publishing (2014)
- Contributor: *Service Charges & Management: Law & Practice* 2nd edition (2009)
- Co-author: *Easements & Other Rights* – RICS publishing (2008)

Memberships

- Chartered Institute of Arbitrators
- Chancery Bar Association

- Property Bar Association
- Pyramus & Thisbe Club

Languages

- English
- German (fluent)
- Chinese / Mandarin (fairly fluent)
- French (conversational)
- Spanish (basic)