



Modification of the condominium architectural decoration.

The construction of buildings or roofs on the balcony or any other work that modifies the architectural decoration must first be authorized by the condominium to avoid subsequent demolition.

You have decided to close your balcony, partly with windows and, in the other part, with the construction of curtain walls.

Regardless of the techniques you will use, one thing is certain: the work will be clearly seen from the outside and, since no other condominium has already done the same, the aesthetics of the facade of the building will be altered.

You know, however, that, for such behavior, the condominium can appeal to the court to order the demolition of the work, which you would like to avoid due to the considerable costs that you are going to incur.

The only possible solution to avoid the occurrence of unforeseen events is to bring the projects to the assembly and to authorize the start of the works. In fact, any go-ahead granted with the vote of the other condominiums would prevent them from any subsequent rethinking.

But what is the quorum necessary for the assembly to put the motion on the agenda? In other words, if one of the condominiums wanted to make a **change to the aesthetics of the condominium, which majority** should vote in favor? We will try to understand this in the following article.

Works that modify the facade of the building

The **projecting balconies** (that is, those that overlook beyond the vertical of the building facade and, therefore, remain suspended in the air) are not common parts of the condominium; on the contrary they are owned by the owner of the apartment of which they are only an extension.

However, this does not prevent the owner from being able to use it as he wishes.

The fact that these buildings are located outside the condominium building implies that every single change on them can affect the entire building and, therefore, indirectly also on the properties of others.

There is no need to explain, in fact, how an alteration in the aesthetics of the building can impoverish its value and, therefore, make it even more difficult to sell the individual apartments, except to lower the price.

For this reason, the law prohibits any modification of the so-called "**architectural decoration**".

It is a well-defined concept: it is the set of structural and aesthetic lines of the building as designed by the original builder.

Lines that obviously cannot be changed at will by individual condominiums.

Although the law allows each tenant to use the common parts of the building with the sole limit of not changing the intended use and not preventing other condominiums from doing the same, this does not mean that they can ruin the property as a whole.

Think of an air conditioner placed on the facade of the building: if it is small and well hidden, it can hardly bother someone; on the other hand, the creation of a veranda, with integral closure of the balcony by glass and aluminum plates, is likely to create a difference with the other floors

and, therefore, to alter the forms of the building.

Authorizations and licenses for changes to the aesthetics of the building

Respect for **architectural decoration** is not a matter that involves the Municipality and building permits, but only a condominium problem.

This means that if the condominium were to give its consent to a change in the aesthetics of the building, the local authority could say nothing even if the works were to make the property uglier.

However, compliance with the administrative authorizations required by town planning regulations is always maintained. For example, to build a veranda it is necessary to ask for **permission to build** and, if not, the crime of building abuse is committed.

However, no permit is required to install an antenna or a wall air conditioner.

In practice, this means that the authorizations of the technical office of the Municipality and those of the condominium travel on two different tracks: the first is aimed at checking compliance with local regulations and town planning legislation (also with a view to environmental protection); the second aims instead to preserve the aesthetics of the building.

Given this difference, jurisprudence has always said that the Municipality cannot subordinate a building permit to the production of the minutes of the assembly authorizing the go-ahead for the works.

The consequence is that if one of the condominiums wants to **build on their balcony**, they can freely do so only after having complied with any permits issued by the Municipality (provided they are necessary).

The condominium could not object to anything if these works do not impact on the architectural decor. But if this were not the case, the administrator can take legal action to request its subsequent demolition.

How to change the aesthetics of the building without risk

In order not to risk having to deal with a dispute with the condominium, convinced that the new construction depreciates the aesthetics of the building, the individual condominium can obtain **prior authorization from the assembly**.

In that place he will have to submit the projects released by the technician who will take care of the realization of the works. With the "go-ahead" of the assembly and sticking to the projects, no one will be able to tell him anything: in other words, the condominium will no longer be able to request the removal of the buildings, however much they impact on the architectural decor.

Aesthetic modification of the condominium: which majority?

So let's see what the majority is needed to build on the balcony without risking the subsequent demolition.

To understand what is the **quorum necessary for the modification of the architectural decoration** we must start from a norm of the civil code which regulates the so-called **innovations**.

These can only be authorized with the following majority:

- there must be the favorable vote of the majority of those attending the assembly;
- this majority must represent at least two thirds of the thousandths of the building.

However, the same rule, in the last paragraph, expressly prohibits **innovations that can alter the architectural decor**.

This means that the aforementioned majority is not sufficient to authorize the change to the aesthetics of the condominium. For this purpose, **unanimity** is therefore required.

And in fact, since any alteration of the decor affects individual properties - making them, as mentioned, significantly depreciate - the consent of each individual condominium is required, who agrees to such alteration and accepts the relative risk.

After all, only with unanimity can decisions that have an impact on individual private apartments pass.

It follows that the **prohibition placed by the civil code on innovations that can alter the architectural decor** is not categorical, but can always be waived. However, for this exemption, the consent of all participants in the condominium is required, regardless of the thousandths of ownership.

Violation of architectural decor: what to do?

If one of the condominiums were to build on its balcony or carry out any other work that could cause a disfigurement of the aesthetics of the building, both the condominium administrator and the individual condominium could act in (civil) court against them. Therefore, if the assembly does not agree in giving the mandate to the administrator, each owner can sue the manager.

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