



Condominium coat: no to the denial of the individual on their balcony.

Court of Milan: the individual condominium cannot prevent the condominium from making the coat on its balcony .

16 September 2021 / by [Giuseppe De Luca](#)

The **reduction in the surface of a balcony** can constitute a valid reason for blocking the implementation of the thermal coat on the facade for the purposes of Superbonus?

In this regard, the **Court of Milan** ruled (with proceedings registered with NRG 30843/2021) regarding a condominium that wanted to access the Superbonus through a driving intervention of thermal insulation of the facade consisting in the installation of a thermal coat.

The case

A condominium, inhabited by over 230 condominiums, approved the approval and execution of major renovations for a total value of approximately 33,500,000 euros, making use, in part, of the 110% Superbonus facilitation referred to in art. . 119 dl 34/2020.

This resolution was opposed by eleven condominiums, who among other things complained that **the installation of the "thermal coat" on the condominium facade would have resulted in a shrinkage of the available surface** of their balconies by about 4-5 cm, due to the thickness of the " coat".

The matter reached the court of Milan.

The decision of the Court of Milan

The judges state that, in general, the condominium assembly cannot validly take decisions concerning individual condominiums in the context of their exclusive property, unless they are reflected on the adequate use of common things.

However, the togates note that in the specific case the installation of the thermal insulation would take place on the facades of the condominium (and therefore on common goods) and therefore believe that this minimum sacrifice is tolerable:

*due to the fact that it **is functional to a more adequate use of common things** (the facade and in general the energy status of the buildings) and is aimed at satisfying the interests, both of the condominium community and of publicity, highly deserving of protection (energy saving) and in relation to which the minimum sacrifice connected to the reduction of the available surface of the balconies appears indeed recessive.*

The Court specifies that the contested resolutions do not have as direct object the assets owned exclusively by the condominiums but concern **works aimed at the maintenance and improvement of the common goods** (façades in the first place), therefore what the applicants complain about are the effects on the parties of exclusive property of works having as primary object the common goods.

Therefore, according to the judges, it is natural that building interventions on the condominium facades may also affect the exclusive property parts of the condominiums (the balconies) but **it cannot be considered that any effect of this nature assumes the connotations of infringement of the right of exclusive property** , with consequent invalidity of the shareholders' resolution.

If the opposite were true, the judges of the Court of Milan underline, the installation of "thermal coats" on the facades of condominiums would be substantially subject to the unanimous vote of the condominiums, "*with consequent frustration of the rationale underlying the legislative intervention (concerning, indeed , multiple interventions but expressly contemplating the interventions of thermal insulation of opaque vertical, horizontal and inclined surfaces, art. 119 paragraph 1 letter. a) of legislative decree 34/2020)* " .

The appeal is therefore not accepted.

Source: <https://biblus.acca.it/cappotto-condominiale-no-al-diniego-del-singolo-sul-proprio-balcone/>

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