



# Repair overhanging balconies

Today, legally, the jutting balconies (protruding from the building) facade is a real estate unit extending from which jut (accessory of the same) and therefore the exclusive property of the real estate unit holders, excluding any communal nature if not in if the balcony or its individual components constitute ornamental particularly important architectural motif on the building's facade.

With that exception the balcony is then considered as a part of the apartment which offers exclusive utilities.

The fronts of balconies jutting are therefore to be considered, legally, the sole property of the owner of that balcony. Similar considerations should be made for the parapets and sottobalcone.

They give below the jurisprudential references about the statement address: Cass.8159 / 1996; Cass.637 / 2000; Cass.1784 / 2007; Cass.15713 / 2007.

Among pronunciations topic we note the following:

"The jutting balconies of an apartment building, constituting an extension of the corresponding real estate units, belong exclusively to the owner of this: only coatings and decorative elements of the front and the less should be considered common property to all condominiums in the prospectus when entering the building and help to make it aesthetically pleasing. As regards relations between the owner of the individual balcony and the owner of a similar artifact, located on the floor below on the same vertical, must ruled out a presumption of common property of the same balcony. Albeit, in fact, such an occurrence can identify the balcony slab function of coverage, compared to the underlying balcony, separated from the question of cover and support function, therefore, not essential for the ' existence of overlapping planes, so it can not be said that both of the properties in service element (As occurs, however, if the same balconies are recessed into the body of the building, since in the latter case the various balconies overlooking held simultaneously function is separating both, coverage and support) "(Cass.II sent.30-7-2004 n.14576)

The expenditure for the restoration of the **overhanging** balcony, the bezel, the parapet and the sottobalcone must therefore be accused exclusively to the owner of the balcony.

In this case the obligation in question must be considered that the jutting balconies do not carry any particular aesthetic or decorative function, with the result that the related expenses unique to their respective owners and those without balconies are excluded.

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