



What can be done on the balcony of the house?

Balconies: here is what can be done on the balcony of the house, the general principles of use of projecting and recessed balconies and examples of the most common uses of balconies. From wardrobes, to plants to air conditioners: what can be placed and what cannot

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The rooms and appurtenances of the real estate units must be used consistently with the overall destination of the asset. This applies to an interior room and also to the balcony.

Below we will analyze what are the uses that the condominiums can make of the balconies belonging to their homes.

It will be seen, carefully, how the location of the balcony is able to affect the use that can be made of it, how its nature, projecting or recessed, allows different modes of use and why the presence of a veranda facilitates a wider fruition.

Intended use of condominium dwellings

Each condominium has the right to use their real estate unit in the ways that are most suitable for them, except for the limits imposed by law and / or by the title.

The title in this case has a double meaning, i.e. it must be considered as:

- deed of purchase;
- condominium regulation of contractual origin accepted at the time of purchase or signed at a later time.

Thus, to say with the probably most recurring case, the condominium is forbidden to use his real estate unit as a doctor's office, where the title prohibits such use. Same goes for the **bed and breakfast** destination.

How to evaluate the use of parts of the real estate unit? To return to the question posed at the beginning (what can be done on the balcony of the house): which destinations can a balcony of a real estate unit have?

Does its location on the main façade or on the secondary or side façade change things?

With a warning: the aforementioned limits to the right of use can also be set in relation to specific parts of the building. For balconies, for example, prohibiting placement of objects, etc.

Overhanging balcony or sunken balcony and decoration of the building

The best known distinction between balconies, the one so to speak of a general nature, is represented by the subdivision into the categories of projecting balcony and recessed balcony.

A sentence of the Court of Cassation, no. 637 of 2000, deserves mention and reading as it sets out in a clear, precise and exhaustive way - albeit in general outlines - what are the main characteristics of the two types of balconies that must be taken into consideration for the purpose of their distinction.

In short: the projecting balcony protrudes from the façade and represents a functionally autonomous building element, that is, it does not carry out any common use, except for the decorative friezes on the front and on the lower part.



The recessed balcony, on the other hand, in its horizontal part is an integral part of the inter-floor slab (art. 1125 cc): it is nothing more than the continuation of the apartment which ends on the facade of the building, without protruding from it, with an opening.

Both types of balconies must be used in such a way as not to damage the decor of the building.

The decoration, let us remember, is the set of harmonious lines of a building that connote its aesthetics.

How can a balcony be used without altering the decor of the building?

Think of the projecting balconies on the main facade. Suppose that **the parapet of the balconies** is represented by transparent glass or railings that allow you to see what is allocated on the walking surface. In these cases, the positioning of a washing machine can hardly be considered legitimate.

The case of the projecting balcony is different if and to the extent that the depth of the building is such as to make it impossible to view the initial part of the balcony from the outside, that is, the one just outside the house.

It is clear, then, that a fundamental aspect that must be kept in mind when using the balcony is that inherent in the decoration of the building: in essence, one must ask oneself if that use can be made in relation to the decoration of the building.

It is clear, then, that the balcony on the main façade can be used in a different way from the one allocated on the rear façade, so to speak of service, which is notoriously used as a storage room or in any case for storing tools for cleaning the home.

This aspect, of course, is not the only one to take into consideration, we will see the others in relation to the veranda balcony.

Below we analyze more closely and with particular attention particularly frequent cases of balcony use.

Wardrobes on the balcony

Is it possible to place wardrobes on the balcony?

The question can be answered by looking at two aspects: decorum and safety.

In terms of safety, those who place wardrobes on the balcony of the building must ensure that they are anchored in such a way as not to cause damage. The owner of the balcony is also the keeper of the things that insist on it.

As for the decor, it cannot be said a priori, except for the presence of specific provisions of a contractual regulation that categorically prohibits the positioning, whether a wardrobe on the balcony is detrimental to the decor of the building. It may be that it is low, almost more like a cabinet, to the point of not being seen from the outside, especially if placed on a high floor; or it may be that the piece of furniture has such an aesthetic appeal as not to cause any damage.

In short, as often in the condominium area, the question must be assessed on a case-by-case basis. With a specification: in the opinion of the writer, although the alteration of the decoration can be contested even if it is the projecting balcony or present on the rear elevation of the building, it is easier for the alteration of the decoration to be contested if the wardrobe it is positioned on the main elevation. The secondary balcony, so-called service balcony, is notoriously used as a small deposit.

Plants, flowers and trees on the balcony

It is unlikely that plants, flowers and trees (small trees whose weight is tolerable by the structure, it is understood) can be considered detrimental to the architectural decor of the building. Far from it; plants and vegetables in general perform a decorative function par excellence, especially in homes and especially in their external appurtenances. Is it really possible to think that a geranium plant can alter the aesthetics of the building?

Of course, a contractual regulation could prohibit its affixing. An explicit explanation of the *rationale* of the rule would not be necessary, but this could be traced to safety issues (eg preventing vases from falling) or good sealing of drains (eg limiting fillings) or avoiding dripping.

The fact remains that those who place plants, flowers or trees on the balconies must take care of them,

that is to avoid them causing damage or danger of damage and above all watering in such a way as not to cause any nuisance to others: in different case there is also the risk of criminal conviction, **in condominiums, watering the plants on the balcony becomes a crime.**

Christmas decorations on the balcony

For the Christmas decorations on the balconies there is not much different to say compared to what has already been said for the plants, with an addition: the limited period of display of the decorations makes even legal action for their removal unlikely.

Hanging out clothes on the balcony

Except for undue invasions of the air column by hanging the clothes outside the balcony and except for particular provisions of the condominium regulation, there are no reasons that prevent, a priori, the possibility of placing a drying rack on the balcony. Quite the contrary: one of the best known functions of balconies is precisely that of allowing this kind of specialization. Their temporary nature certainly helps to avoid disputes which, on the other hand, in the face of permanent installations, could have more foundation, especially if it is the main facade.

Air conditioners on the balcony

The new inventions, such as television and telephone, now in common use, have changed the common sense of aesthetics and decoration: the television antennas installed on the roofs, the satellite dishes protruding from the wall, the same air conditioning systems, always more numerous, they are no longer perceived as a cause of disfigurement of the aesthetics of homes and, more generally, of the environment (Justice of the Peace of Grosseto 19 August 2011 n. 1038).

This ruling, although by a justice of the peace and not by the Supreme Court, still helps to understand that certain installations are now considered common. This is the case of the external motors of air conditioners. Of course, it is difficult and risky to say with certainty that these can never be considered harmful to the aesthetics of the building. Here too: the assessment must be made on a case-by-case basis.

Veranda balcony

Let's take it for granted that the veranda is present in a completely legitimate way.

In these situations it is evident that the screening towards the outside means that the balcony - beyond being projected or recessed or on the main facade or not - can be used much more freely than it is when it is open.

Here the limits are of another type, that is, it is necessary to evaluate the maximum capacity of that artifact to avoid overloading it and therefore creating dangers for its stability. The veranda balconies are in fact new rooms in the house, but this does not mean that they can be crammed without considering how and why they were originally designed.

Any dispute regarding the use of balconies by individuals can be asserted by the administrator, in the case of conservation deeds of the common parts, or by the other condominiums both in relation to the common parts or their homes.

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