

NEW CONSTRUCTION, BUILDING RENOVATION OR CONSERVATIVE RESTORATION? THE REGIONAL ADMINISTRATIVE COURT OF SALERNO CONFIRMS THE DISTINCTIVE CRITERIA, ALIGNING WITH THE PROSECUTOR'S OFFICE OF MILAN

In a recent decision, the Regional Administrative Court of Campania, Salerno (Judgment No. 397 issued on 27 February 2025), further clarified the distinction between new construction, building renovation and conservative restoration as provided by Presidential Decree 6 June 2001, no. 380.

- **New construction** entails an urban and territorial transformation, carried out through land reshaping and the construction of stable and permanent structures. This category includes new constructions of above-ground or underground buildings, as well as the expansion of existing structures beyond their original footprint;
- **Building renovation** involves modifications to an existing building while preserving its fundamental characteristics. However, should the intervention entail a significant volumetric increase or a shape variation that substantially modifies its original structure, it would fall within the new construction category;
- **Conservative restoration** aims to preserve the building's structure and functionality, maintaining its typological, architectural, and structural elements.

Through this decision, the Regional Administrative Court reaffirmed that the classification of a building intervention depends on its actual impact on the pre-existing structure. The concept of building renovation requires clear elements of continuity between the demolished and reconstructed buildings. In the absence of such continuity, the intervention falls within the new construction category.

DISCLAIMER

The sole purpose of this *Client Alert* is to provide general information. Consequently, it does not represent a legal opinion nor can it in any way be considered as a substitute for specific legal advice.

Laura Sommaruga, Partner
Email: laura.sommaruga@grplex.com

Sandra Sacchi, Junior Associate
Email: sandra.sacchi@grplex.com