

VERANDAS AS SERVICES AND ACCESSORY SURFACE: CHARACTERISTICS

The T.A.R. Puglia-Bari, Section III, 24 April 2025 no. 584, upholds an appeal against the ordinance of the Municipality, which, by denying the building amnesty request submitted years earlier, ordered the demolition of a box-window.

The case

In particular, the claimants had transformed a balcony into a box-window with a covered veranda. Several years after the amnesty request, and without any timely measure, the Municipality, considering its request for additional documentation and building contribution balance outstanding, ordered the demolition of the structure.

Actually, the issue through which the dispute is resolved concerns the effectiveness of the notification of the supplementary request of the Municipality, which remained unproven as, consequently, its timeliness and legitimacy, considering the deadline provided for by art. 32, paragraph 36, of Decree-Law 30 September 2003 no. 269. However, the ruling is significantly important for analysing the building aspects of the legitimized intervention.

Clarification on verandas

Of notable interest is the further argument that the TAR uses in support of its decision. It states that *"in matters of small building irregularities, a more favourable regulation has come into force, applicable, by explicit provisions, also retroactively"*. This refers to the "Salva-Casa" decree, which expanded *"under specific conditions and upon request by the party, the cases of amnesty of certain irregularities and better specified the so-called construction tolerances"*.

Specifically, it is argued that *"the intervention, subject to amnesty in this case, can be considered, being a veranda-box window, among the 'service and accessory surfaces', pursuant to Ministerial Decree 10 May 1977 no. 801"*. In support of this thesis, it is observed that the contested veranda:

- is inherently made of removable and replaceable material;
- provides the main structure with a space that remains external, completely separated from the other areas, although connected by an entrance;
- is equipped with transparencies on several sides and, therefore, has natural lighting;
- remains essentially an accessory area, typically used for various services of the property, and is different from any other room;
- has the function of creating some environmental comfort, on a surface that, due to its intrinsic characteristics, remains the same even if with a veranda;
- can always be removed without demolitions, as it is part of the property but not subject to structural transformation works and maintains its basic consistency.

Conclusions

In light of the above, the judge notes, recalling the recent liberalization of VePA (i.e. the removable panoramic windows), that "*the traditional approach of jurisprudence regarding the automation of the realization of the so-called volumetry, concerning the construction of verandas and similar structures, needs to be reconsidered*". These embraceable conclusions highlight the innovative scope of the Salva-Casa law and the signs of change in case law that it has entailed.

The Firm will closely monitor any developments on this topic, ready to provide useful and fruitful updates and assistance.

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2

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