



CAN YOUR NEIGHBOUR STOP YOU FROM RENOVATING YOUR OWN HOUSE? UNDERSTANDING YOUR LEGAL RIGHTS

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Meta Description: Planning to renovate your home but facing objections from your neighbour? Learn your legal rights, when objections are valid, and what remedies are available under Indian law.

You have finally decided to renovate the house, possibly to add a new floor, extend the balcony or a new boundary wall. Suddenly one day, while you're out, your neighbour comes along with grievances and declarations of "legal action" or simply ignores you. Fears leaves most homeowners scratching their heads: well, that's something a neighbour can't stop, right?

Well, for all intents and purposes the correct answer is: It depends on what it is that you're doing and if it actually breaches your neighbour's legal rights. Let's break it down.

YOU HAVE THE RIGHT TO USE YOUR OWN PROPERTY AS THE GENERAL RULE.

As a property owner, you will normally have the right to build, repair, extend or adapt your property to suit your needs and desires- and this is part of the rights you have as a property owner. If you are operating within legal limits, then your neighbour will not object just because they do not like the design, think it will interfere with their view, or generally not 'like' construction at work, noise or dust during renovation.

But this right is not unfettered. Please note your renovation should follow these:

1. Building by-laws/setback/height etc. requirements as per local municipal/development authority.
2. Plans for the buildings, if approved,

3. Legal rights of other property owners, particularly with respect to-shared walls, easements and safety concerns.

This is where real conflicts typically occur.

INQUIRIES REGARDING THE VALIDITY OF A NEIGHBOUR OBJECTION.

Not all objections are frivolous or malicious. When neighbours may have a good legal point to gripe about:

1. **Violation of setback requirements and/or building bye-laws.** Most governing bodies have a distance ("set-back") that a construction must be kept away from the neighbouring houses. If being expanded launches a "legitimate objection" from your neighbour, it can be objected by the local municipal body.
2. **Infringement upon the property (family property).** If there is any part of your work that actually crosses the street, even a few inches, even endangers the wall, foundation, overhang, or drainage pipe of your neighbour's property, this is indeed an encroachment problem and you afford your neighbour all the rights to object and take legal action.
3. **An interference of easement rights.** An easement is a legal term for a right one property owner has over another's property, e.g. right of way (pathway over many years which the property owner has a right of way access to his house), right of light and air, etc., shared drainage system etc. Any renovation or change to an aboveground use that results in such an impairment or elimination of that right can result in a valid legal action.
4. **Damage to a Common Wall or Party Wall.** When two houses have a common wall then any alteration to the wall such as an increase in height, drilling in the wall or any other alteration to the wall is normally considered jointly owned or jointly used and requires the mutual consent of the two households.
5. **Structural safety concerns.** If your renovation (such as deep excavation, heavy construction, etc.) threatens to compromise the structural integrity of the neighbouring property, it's an important and legitimate concern and if actual harm results, can lead to legal action.
6. **Failure to obtain the necessary authorizations.** Even if there's no disagreement between neighbours, if your renovation is subject to a municipal permit (most

significant building work is) a neighbour can complain about your work to the municipality which can result in a stop work order.

HERE IS A LIST OF ACTIONS THAT ARE NOT OK TO TAKE.

It's equally important to know where the line is drawn. As a neighbour you can't normally:

1. Bar access to your own property for your construction workers!
2. Coerce or bully your builders/tradespeople/labourers
3. Destruct property or materials in construction process
4. When you are renovating, insist they stop as soon as it is inconvenient, noisy or becomes ugly.
5. Need to take the law into their own hands even though they feel they have grounds for a grievance.

Also, if a neighbour uses threats, obstruction or damages afforded to others to the property, this may create a legal risk for him/her as much as it poses a risk to the complainant, as complaints of criminal intimidation, trespass or mischief may be made against him/her.

BEFORE STARTING RENOVATION, WHAT SHOULD YOU DO?

But, to prevent any conflicts at all, a little preparation is enough:

1. **If you are renovating or building something large, ensure you have all City permits** first and avoid one of the most common objections. Don't start a major improvement or build without all City permits needed; you are safe and bar one of the most frequent reasons for objections.
2. **Check your setback and height compliance** as per local building bye-laws.
3. **Let your neighbour know** and express what you're going to be doing, particularly if it is a substantial project. Having a casual chat prevents conflicts about noise, schedules or even walls.
4. **If your renovation space is near a shared boundary**, or wall, it's a good idea to get a structural engineer's opinion to prevent you from causing any damage to neighbouring homes and properties.
5. **When working on a shared wall or boundary**, record the existing condition of the wall difference (in pictures and/or videos) before work is finally begun, and make sure

to have a clear understanding throughout the process to avoid disputes about damage in the future.

WHAT IF YOUR NEIGHBOUR IS OBJECTING ON NO JUST CAUSE?

If you've taken all the necessary action and the neighbour is still causing problems, you can take the following steps:

1. **Talk to her first.** So much of the conflict can be avoided by just talking: Many situations can be resolved fairly by talking if you explain your investment plans and uncertainty can be resolved (if, for example, you and the appliance supplier agree on working hours).
2. **Give a legal notification.** A lawyer will be able to issue the formal complaint if informal communication has failed, if the objection is without foundation and/or if the neighbour is obstructing.
3. **If necessary, contact the police.** Where the neighbour is physically interfering with work, threatening your work personnel and/or causing damage, this could be grounds for making a complaint to the Police for obstruction, intimidation or damage.
4. **Seek order from civil court for an injunction.** When your neighbour is vitally preventing your remodelling without proper legal justification, then you may go to the civil court for an injunction barring him/her from interfering with your renovation.

WHAT IF YOU HAVE A REAL CONCERN THAT A NEIGHBOUR YOU'RE RENOVATING IS HAVING A PROJECT THAT CONCERNS YOU?

When the roles are reversed and you're the one who is afraid a neighbour's building will affect you, the same rules work in reverse:

- Discuss whether their building is in contravention of municipal bylaws or set-back regulations- make a formal complaint with the local municipal authority.
- If there is any actual infringement or easement or some other issue that you have, then you can prepare a letter and send it to a lawyer, and if you need to, then you can take a civil action.
- If there is a real threat to the structural integrity of your home, take photos and have it written, signed and in writing, if you can, instead of only orally objecting.

THE BOTTOM LINE

As a homeowner, you should in all cases be able to do something to your home, and it is not possible for a neighbour to simply object to the change mindlessly or because they are a bit inconvenienced. There are, however, valid legal objections which might arise that would be legitimate motives for a neighbour to complain or take action, such as encroachment, surpassing building codes or harm to shared buildings. On both sides, the answer is to ensure that there are proper approvals in place and to clearly communicate before embarking on significant works, then, if it does get contentious, take the issues through proper legal channels, not confrontation. If there is actually “real” obstruction and/or a legitimate grievance by the neighbour, discussing the situation with an early consultation from a property lawyer can help clear up matters before things get needlessly held