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Questions and Answers on Neighbour Disputes

Q. We recently purchased a country property. The house is semi-detached and when we moved in the attached property was empty and had been for some time. On Boxing Day 2006 we were awakened at 7.45am by the sound of sledgehammers as the owner and his team of builders decided to begin to renovate the adjoining house. Every morning since, our peace has been destroyed by incessant hammering, chiselling and drilling. The builders are very happy in their work, singing, playing loud music and shouting at the top of their voices.

The first thing that you need to check is whether there is any specific rule about noise in the by-laws of the community of neighbours. It is quite usual that the community forbids activities which cause noise at certain times such as before 8.00 am, from 15.00 to 17.00 or after 20.00.

If there is no rule, you may wish to ask to the president for a meeting to modify the rules in order to do a rule about the noises inside the community.

If there is no community of owners, it is more difficult to take any action.

They are also very generous to our pets, leaving the remains of their lunch in plastic bags which we find scattered all over our garden!

You can make a denuncia against your neighbours in respect of this.

We understand that everyone has the right to improve their property but find it hard to believe that we do not have the right to be consulted, particularly since hairline cracks have now appeared on the party wall.

You have the right to insist that the builders repair the damage or you can do it yourself and then claim for cost the repairs to the wall by taking the builders to court.

If the neighbour or the builders will not cooperate, the only recourse is to take them to court.

Are there any laws protecting owners of semi-detached properties or indeed close neighbours when it comes to renovations? Should we have been approached before the works took place?

We have spoken to him and expressed our concerns – he was polite and explained that the work would be finished by the end of January but still it continues...

The last thing we want is to fall out with our neighbour but a little consideration would be nice.



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Please could you advise us on our rights, if any, and the best way to approach the neighbour in order to resolve the situation peacefully?

Q. We are considering enhancing our country property by building a swimming pool. We have heard that many people build a 'water deposit' and use it as a pool. Can you tell us how the law lies on this subject?

This is correct. In country properties sometimes it is not permitted to build a swimming pool due to the fact that the usage of some land, particularly rustic land is restricted to agricultural use. It is often permitted to build a water deposit on the land and for this reason people apply for permission to do this and then use the deposit as a pool. Whilst this often succeeds, one must remember that the deposit should be for agricultural use only and the Town Hall, if it inspected the property could consider a pool containing chlorinated or salt water (i.e. not suitable for irrigation) which is clearly not for agricultural use to be in breach of the permission granted.

It is always advisable to ask for a report from an Architect in writing clarifying exactly what you can do in a particular plot.

If you would like to discuss any of the points raised in this article do contact us.

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