

Building freeze – renovation of real estate

Anyone who wants to renovate real estate (office real estate, retail real estate or residential real estate) needs a permit from the municipality. Unfortunately, if the municipality grants a permit, this does not mean that you can still carry out the renovation without any obstacles. The neighbours can stop the renovation by filing a notice of objection with the municipality against the permit granted and at the same time to provide an interim court judgement, for example by demanding a building freeze.

This recently happened in an Amsterdam court case to the project developer. The building plan of a project developer consisted of splitting the house into 5 apartments, an extension that entered the garden by 4 meters and the construction of a roof structure with a roof terrace on top. The neighbours were against the entire renovation and asked the court to grant a building freeze. The court decided that the municipality had not issued a proper permit for the renovation of this house and therefore the building freeze was granted.

What went wrong?

The court decided that the municipality did not provide any explanation why the permit should be granted as required. The municipality also admitted at the court hearing that the roof terrace would indeed be built too close to the border with the neighbours. These objections must be addressed by the municipality in objection proceedings. Until that time, the project developer cannot make use of the permit as the building was prohibited during the freeze.

What does this mean for you?

Anyone who wants to renovate, rent or sell real estate should maintain good relations with the neighbours. The neighbours can really thwart you. Litigation costs time and money and if building is temporarily not allowed, this also results in a delay and possibly also higher costs and damages. If you have plans for your real estate, it is advisable to involve your neighbours in the plans as early as possible and to be more flexible where necessary to achieve your aim.