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When a Neighbor Obstructs the View – Lessons from a Neighbor Law Dispute

In a case represented by our office, the plaintiff brought a claim for damages in court within the framework of a neighbor law dispute. The claim was based on the argument that a structure located on the defendant's property caused a loss of privacy and view, reduced sunlight exposure, and negatively impacted the visual aesthetics of the plaintiff's property by being out of character with its surroundings.

In neighbor law cases, the general principle is that a property owner must refrain from any conduct during the use of their property that unnecessarily disturbs others—especially neighbors—or endangers their rights.

A claim for damages due to a violation of neighbor rights can only be made against the party who directly engages in the unlawful conduct constituting the unnecessary disturbance.

It is important to understand that in such proceedings, the burden of proof lies with the plaintiff, who must demonstrate the existence of the unlawful disturbance, the damage caused, its extent, and the causal link between the two.

According to guiding principles established by the Hungarian Supreme Court (Kúria) in its well-known decision BH.2020.329, whether a disturbance exists is a factual question that must be proven, while determining whether the disturbance was unnecessary is a legal question requiring judicial discretion.

It is therefore crucial to emphasize that the mere fact of disturbance does not automatically establish liability for damages. The question of whether the disturbance caused a depreciation in the property's value is only examined if the court concludes—within its margin of discretion—that the disturbance was indeed unnecessary.

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Plaintiffs typically base such lawsuits on claims of reduced sunlight, increased shading, decreased agricultural yield, obstruction of scenic views, loss of privacy, or diminished access to natural light.

Judicial practice has established **that subjective oversensitivity alone does not justify a claim of unnecessary disturbance**. Likewise, obstruction of view or loss of panorama caused by a building generally only constitutes an unlawful disturbance if the property's value is primarily derived from its view—for example, in the case of hillside, elevated, or waterfront plots. In urban areas, obstruction of view caused by construction in a designated building zone is typically not considered an unnecessary disturbance.

Regarding aesthetic disturbances, case law has clarified that these involve perceptible impacts with either a positive or negative visual effect. Examples include barren-looking walls, black plastic

greenhouses, debris or building materials stored near property boundaries, the appearance of incongruent mobile towers, or the visually harmful impact of concrete fences.

Lastly, **it should be noted that a disturbance can only be deemed unnecessary if it could have been realistically avoided**—meaning the property owner had a viable alternative to use or develop their property in a way that would have caused less burden or disturbance to others.