

3D Restrictions on height development: Greece's Building Code and the implications after Council of State decisions

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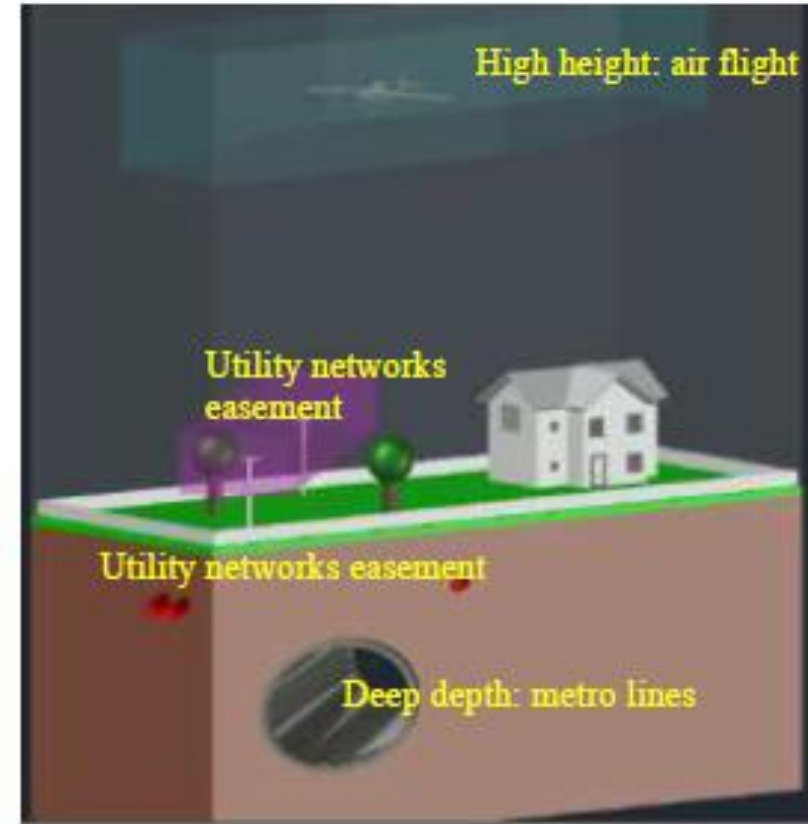
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The complexity of modern urban space and Greece

- Global Context: Rapid urbanization and global population growth, makes vertical development inevitable for sustainable living conditions in dense environments
- Greek Regulatory Framework: Governance is complex, relying on the Greek Property Law (GPL) and the Building Code.
- The Core Conflict: Balancing the need for vertical growth (economic viability) with the constitutional mandate for environmental preservation (Article 24).

GREEK PROPERTY LAW (GPL) AND 3D RIGHTS

- Vertical Extension: GPL defines property (immovable thing) as a 3D spatial concept (Art. 945)
- Ownership Extends: Article 1001 states ownership extends "in the space above and below the immovable thing".
- Crucial Limitation: Owner cannot forbid third-party action (e.g., aviation flights, metro lines) where they have no interest.
- Regulatory Layers: GPL operates within a complex ecosystem of Urban Planning, Land Uses, and Cultural Heritage laws.



(source: Perperidou, et al., 2021)

THE BUILDING CODE AMENDMENTS (2011-2020)

“FAVORABLE” MEASURES TO STIMULATE CONSTRUCTION IN THE ERA OF THE ECONOMIC CRISIS

Intent: Enhance urban development and support the construction sector during Greece’s financial crisis (2010-2019)

Key Incentives (on Vertical Development):

- Height Bonuses: An additional two floors were granted for buildings with a neutral energy footprint (e.g., thermal facades, green roofs).
- Volume Exemptions: Spaces like lofts, balconies, and attics were exempted from building volume calculations.

Intent vs. Design: Compensation for reduced horizontal coverage by encouraging vertical and underground expansion.

VERTICAL SPRAWL: ADVERSE IMPACTS & OPPOSITION

Environmental Degradation: The combined increase in height and underground development led to:

- Increased density of high buildings in areas of low building volume
- Microclimate worsening due to reduction of ground planting areas, lower surface of ground planting areas

Aesthetic Destruction: Introduction of taller buildings (7-8 stories in 4-5 story zones) was perceived as:

- **Unbalanced Vertical sprawl**
- Destruction of traditional urban aesthetics
- Blocking views and reducing sunlight for neighboring properties.

Generalized bonuses failed to consider local planning parameters

JUDICIAL INTERVENTION: THE COUNCIL OF STATE RULINGS

REASSERTING CONSTITUTIONAL PRIMACY (ARTICLE 24) by the Council of State (CoS)

Legal Challenge: Appeals were lodged by individuals, NGOs, and municipal authorities against permits based on the bonuses

Landmark Decision (CoS 146/2025): Annulled the **generalized height bonuses** as unconstitutional

Volume Annulment (Pending Publication): Annulled the exemption of lofts/balconies from volume calculation, restoring transparency and strictness to density limits.

DISCUSSION & IMPLICATIONS FOR 3D PLANNING

LESSONS FOR A SUSTAINABLE 3D URBAN FUTURE

Role of Judiciary: The CoS acts as a crucial check, enforcing constitutional environmental mandates over purely economic incentives

Need for Context: Development policies, even for sustainability (e.g., green roofs), must be context-sensitive and integrated with local planning

3D Land Administration in Greece: The legal uncertainty highlights the critical need for **a robust and comprehensive 3D Land Administration System (LAS)** to manage complex vertical and underground rights

Conclusion: The Greek case shows that vertical growth must be balanced, equitable, and aligned with constitutional mandates

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