

Abstract

Legal standing of neighbours in the procedures under the Building Act

The diploma thesis deals with the legal position of neighbours in procedures under the Act No. 183/2006 Coll., on Spatial Planning and Construction Regulation (Construction Act). Although the neighbour is one of the most affected parties in the construction process, the term 'neighbour' itself is not defined in the legal order. The aim of this work is to clarify who is considered to be a neighbour for the purposes of the Construction Act and what legal status does this person have in individual procedures under the Construction Act, including the analysis of possible procedural means to protect his/her rights and legitimate interests. The thesis also points out the legal aspects of the construction process as a comprehensive procedure characterized by a chain of separate and usually successive procedures. In these procedures, the Construction Authority must not only take into account the various public and private interests in the territory, but should also be able to assess the construction project in question not only in terms of construction law but also in terms of civil law. Attention is therefore also paid to the civil dimension of the issue, especially in connection with the institute of objections of a civil nature.

The diploma thesis is divided into two parts - general and special. The general part deals with the definition of the basic terminology of the thesis and is therefore the foundation of the subsequent special part. Increased focus is dedicated to the development and analysis of the term neighbour, as a party to the proceedings, within the concept of the so-called boundary neighbour and the concept of the so-called directly concerned neighbour. The conclusion of the general part of the thesis is dedicated to an overview of the neighbour's means of defence, which the neighbour can use in proceedings before the Construction Authority, as well as in proceedings before court.

The special part of the thesis follows on from the conclusions of the general part and deals with the analysis of individual procedures in the area of territorial decision-making and construction regulation of the Construction Act. Emphasis is put on the position of the neighbour, as a party to the proceedings, in territorial and construction proceedings and on the comparison of these proceedings with the alternative simplifying procedures. A special section then deals with the institute of objections as the main procedural means of the neighbour in

proceedings before the Construction Authority. An application of the theoretical conclusions addressed in this thesis on a practical example, is also included in the end of this thesis.