

223621 - Ruling on installing an awning that bothers the neighbours

the question

Is installing an awning regarded as annoying one's neighbours? We set up an awning over our windows so as to protect ourselves from the water that drips from our upstairs neighbours' laundry, and because of what the children throw of food onto our air-conditioner. But the upstairs neighbours complained about two things: firstly, that they cannot see the street that is directly below the awning, and secondly, that they cannot lower what is called "as-sabt" [a bucket that is lowered to buy something from street vendors].

Please note: 1. There is no complaint about any difficulty in hanging out laundry, because the distance between balconies is good for them to hang laundry. 2. I would like to draw your attention to the fact that the awning is always open and cannot be closed. 3. It is very difficult for me to remove the awning, especially in the place where I hang my laundry, because their children often stand on the balcony and at the window and throw many things down. I also feel very upset if any water drips onto my laundry. I hope that you can advise me as soon as possible, because I am worried that this may come under the heading of bothering neighbours, but my Lord knows that it is not deliberate.

Detailed answer

The ruling on putting up an awning is similar to what the jurists have discussed about putting up a balcony. They stated that it is not permissible to put up a balcony if it will harm or bother passers-by or neighbours.

It says in *Fatawa wa Rasa'il Samahat ash-Shaykh Muhammad ibn Ibrahim Al ash-Shaykh*, 7/245: It is not allowed to build a balcony that protrudes from the building on wooden beams, whether it is small or large.

The three imams [Malik, Abu Hanifah and ash-Shafa'i] favoured the view that it is permissible to do that, so long as it will not cause any harm to passers-by or neighbours, and this is more

appropriate. Similar to wood are the long metal beams on which wood is placed. In fact this refers to a balcony and other similar things that could block the air of the street. End quote.

In *al-Bayan fi Madhab al-Imam ash-Shafa'i*, 6/252, it says: If a balcony protrudes into an open ended street (that is, not a cul-de-sac), we think that if it does not bother the Muslims, it is permissible and should not be prevented. This was stated by Malik, al-Awza'i, Ahmad, Is-haqq, Abu Yusuf and Muhammad (may Allah have mercy on them). End quote.

Shaykh Ibn 'Uthaymin (may Allah have mercy on him) said in his ruling: The correct view is that there is nothing wrong with attaching something ordinary to a building that does not bother people, with the permission of the authorities. But if it is something that does bother people, then it is not permissible, even if the authorities in the city, such as the mayor, gave permission for that.

End quote from *ash-Sharh al-Mumti` 'ala Zad al-Mustaqni'*, 9/254.

People usually install awnings for protection from the sun and rain, to conceal the occupants of the house, and to ward off annoyance that can come from upper floors – as mentioned in the question. So what appears to be the case is that it is permissible to install this awning, but you should adjust it when installing it so that there will be room for the neighbours to lower their buckets, because they are clearly bothered by that. But at the same time, they should put a stop to the harm that is coming from their side. If they do not do that, there is nothing wrong with you leaving the awning, because you did not install it for the purpose of annoying and harming your neighbours; rather you did it so as to ward off the annoyance caused by them.

And Allah knows best.