



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

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FIFTH SECTION

Application no. 41779/20
Lyudmyla Yevgenivna LOGVINOVA
against Ukraine
lodged on 1 September 2020
communicated on 17 July 2026

SUBJECT MATTER OF THE CASE

The case concerns nuisances experienced since 2014 by the applicant in her apartment, allegedly caused by the operation of a nearby bakery.

In September 2014 a bakery started operating in a flat neighbouring the applicant's, generating vibrations and noise in her apartment – more intensely in the bedroom – which prevented her from sleeping. She discovered that large refrigeration units were in use in the room next to her bedroom. She complained to various authorities.

In December 2015 the Zaporizhia Mayor's Office inspected the premises. It did not address the issue of noise and vibration but found other regulatory violations. On 25 January 2016 it informed the applicant that it lacked ^{the} authority to address her concerns.

In 2016 the State Architecture and Construction Inspection Department conducted an inspection of the premises. It found that they were being used for grocery storage despite being registered as a non-food store. The bakery was ordered to cease operation but, according to the applicant, it continued to operate. Following renovation work, the Department later informed ^{the} applicant that the bakery's documentation was now in compliance. In December 2016, the State Consumer Protection Service conducted an inspection in the premises and established violations of vibration isolation regulations. At the applicant's request, the Zaporizhia Regional Laboratory

assessed vibration levels in her apartment. It concluded that the vibrations did not exceed legal thresholds.

On 17 July 2017 the Zhovtnevyi local Court of Zaporizhia, acting on a claim brought by the applicant, ordered the bakery operator to ensure noise and vibration isolation in its premises. On 4 September 2018^{the} Zaporizhia Regional Court of Appeal overturned this judgement. On 4 April 2020 the Supreme Court upheld the judgement of the Court of Appeal.

Relying on Article 8 of the Convention, the applicant complains that the nuisances she endured in her flat exceeded permissible levels for residential premises. She argues that these nuisances adversely affected her and her family's health and well-being and prevented the normal use and enjoyment of her home. She considers that the authorities failed to strike a fair balance between her rights to respect for private and family life and home and^{the} interest of the operator of the bakery.

QUESTIONS TO THE PARTIES

1. Has the applicant exhausted domestic remedies in relation to her complaint under Article 8 of the Convention?
2. Was Article 8 of the Convention applicable to the situation complained of by the applicant? In particular, did she endure nuisances of a sufficient level of severity for that purpose?
3. Did the State discharge its positive obligation to ensure the applicant's right to respect for her home and private and family life? In particular, did it take "reasonable and appropriate measures" to that end, and did^{the} authorities approach the matter with due diligence and take all the competing interests into consideration?