

A Study of the Civil Remedies for Destructions of Townscapes
—Urban Renaissance and Civil Controls of urban developments—

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[Synopsis]

The purpose of this article is to consider remedies for destructions of townscapes in private law area.

The traditional way of thinking is that individual "interests in townscape" should be protected by administrative laws, because these interests have their public natures. Recently, these interests come to be regarded as private interests as well as public interests in private law area, and trying to protect by the scheme of civil law, especially by tort law. But still, the influential thinking is that "interests in townscape" should be protected by administrative laws.

Most Recently, contrary to this tendency, the Supreme Court has decided that the interest in townscape was a interest which was worth protecting by private law, especially by tort law. This decision is of grate value.

Though, in urban areas (typically Tokyo), the "deregulation" policy has been adopted after the Second World War and Koizumi Government enforced Urban Renaissance policy for the economic growth. For these policies, the changes for the worse have occurred in residential areas.

So we should grope after countermeasures for the urban sprawl, using the ideas of "personal right" and "ownership".