

## The complaint

Mr and Mrs G complain that National House-Building Council (NHBC) unfairly rejected their claim for damage to their property.

## What happened

Mr and Mrs G have a policy with NHBC, which covers them for defects which present themselves in their home. Mr and Mrs G believe a defect is showing in the render on the side of their house, and as such submitted a claim on their policy.

NHBC carried out a desktop assessment of the issue using photographs provided by Mr and Mrs G. They concluded that while there was superficial cracking, the structure of the property and its weather tightness had not been compromised. NHBC said that meant the claim wasn't covered by the policy as it was a matter of aesthetics over performance.

However, they did say if it appeared to worsen, Mr and Mrs G could submit a further claim for consideration.

Mr and Mrs G maintained that the weather tightness of the property had been compromised, and say that it will inevitably worsen. But NHBC didn't agree so the matter was brought to our service.

An investigator here looked into the case. They said that NHBC had treated Mr and Mrs G fairly. Mr and Mrs G didn't agree, so the case was passed to me to decide.

I provisionally decided to uphold Mr and Mrs G's complaint. I set that out as follows:

*"I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.*

*Having done so, I am minded to say that NHBC needs to do more. While I appreciate a desktop inspection has been carried out, I believe this particular case would benefit from a physical on-site inspection. I say this because Mr and Mrs G have provided photographs to compare their property with others on the same estate.*

*The photographs suggest to me that the weather tightness of the property may have been compromised through cracking and therefore a closer inspection would be of benefit – and should be able to determine with more certainty whether repairs are required.*

*And while NHBC have said that it's just the appearance that has been affected, Mr and Mrs G have provided evidence which suggests even the smallest of cracks can be penetrated by water with damage resulting.*

*Overall, I think it would be fair for NHBC to now carry out an on-site inspection."*

### **What I've decided – and why**

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

Mr and Mrs G replied to say they accepted my provisional decision, although they asked if the surveyor could be independent of NHBC.

NHBC also agreed a visit to the property is required and said they accept the recommendations made in my provisional decision.

As both parties have accepted, there is little more comment to be made by me. While I can appreciate the reason Mr and Mrs G would like an independent surveyor, I think at this point it is acceptable for NHBC to arrange the surveyor.

Hopefully it won't come to pass, but if Mr and Mrs G wish to dispute the findings of the surveyor, I think it would be for them to consider arranging their own survey – at their cost.

### **My final decision**

I require National House-Building Council to arrange for a surveyor to attend Mr and Mrs G's property, to determine whether any repairs are required. If there are, those should be dealt with in line with the policy terms and conditions.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr G and Mrs G to accept or reject my decision before 11 May 2022.

Will Weston  
**Ombudsman**