

## **The complaint**

Ms R complains Fairmead Insurance Limited unfairly declined her Buildings Insurance claim.

All references to Fairmead also include its appointed agents.

## **What happened**

The details of this complaint are well known to both parties, so I won't repeat them again here. Instead I'll focus on giving my reasons for my decision.

## **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.

Having done so, I agree with the conclusions reached by the investigator for these reasons:

- A number of reports have been provided from Ms R, Fairmead and the third party (TP) who was carrying out works nearby. Several of the reports concluded the damage was caused gradually – and that work carried out by TP highlighted existing issues in the cellar.
- The policy says gradually operating causes are excluded from cover. Fairmead have applied this in declining Ms R's claim
- Ms R's surveyor says the TP's works being undertaken in the cellars have directly contributed to its collapse.
- Having considered all of the information available I'm more persuaded by what Ms R's surveyor has said.
- From looking at all the reports. Ms R's surveyor appears to have more detail about the work being carried out. The TP was present at one of two of the surveyor's visits, where the full extent of work appears to have been disclosed in detail. This includes work to convert one of the cellars into a utility room. However, a number of Fairmead's reports only reference works to the home.
- Works being carried out to the cellar are further supported by Ms R's Surveyor's findings that a crack is located exactly where gas coring took place – part of the works to the cellars disclosed by the TP in planning to convert it.
- Further to this Ms R's Surveyor has provided a detailed explanation of how the works could have led to the structure being compromised.
- Fairmead have referenced roots being found in its inspection, but I can't see any presence of major root ingress reported and several reports note the walls were generally in a good condition. I also note the walls have stood for some time with no issue – and the cellars were not in general use prior to work beginning in the lead up to the incident.

Due to the reasons above, I'm not persuaded Fairmead have fairly declined the claim and so I uphold this complaint.

**My final decision**

My final decision is that I uphold Ms R's complaint.

To put things right, I direct Fairmead Insurance Limited to re-consider the claim under the remaining terms and conditions of the policy.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms R to accept or reject my decision before 6 September 2022.

Michael Baronti  
**Ombudsman**