

## The complaint

Mr M and Mrs W complain that AXA Insurance UK Plc declined their claim on their home insurance for damage to a wall following a storm.

## What happened

Mr M and Mrs W had home insurance to cover their property. In November 2021 they were away from the property, but were informed that it had been damaged following a storm. This included damage to a boundary wall.

Mr M called AXA to make a claim. Following this he instructed a builder to knock down the wall in order to ensure safety, as it backed onto a public pavement.

In January 2022 AXA sent out a loss adjuster to assess the claim and claims for damage to a chimney and roof caused by the same storm. The chimney and roof claims were subsequently declined due to wear and tear, however the loss adjuster referred the claim for the wall back to AXA, as they'd been unable to inspect the damage as the wall had already been completely knocked down.

AXA subsequently declined the claim. It said it had been unable to inspect the damage to the wall in order to validate the claim.

Mr M didn't think this was fair. He said when he first called AXA the call handler had told him to do any work required to make the wall safe, and the council had confirmed the wall was a safety hazard to those using the pavement. So he had to remove the wall quickly. He was also unhappy with the way the claim had been handled and how long it had taken to get an answer. He made a complaint.

AXA maintained its position on the claim but offered £75 to make up for some poor service and delays. Unhappy with this, Mr M and Mrs W brought their complaint to this service.

Our investigator didn't recommend the complaint be upheld as he said AXA hadn't been provided with enough evidence to validate the claim. Mr M and Mrs W didn't agree with this outcome and asked for the complaint to be reviewed by an ombudsman.

When the complaint came to me I came to a different outcome to our investigator. I wrote to both sides to explain my provisional findings. In which I said:

- While I could see Mr M had knocked down the wall before AXA had a chance to inspect it, I didn't consider that he had acted unreasonably or that he had prejudiced its position.
- The council visited the property to inspect the wall shortly after the damage was caused. It subsequently issued a letter that said the wall was structurally defective and posed a risk to the safety of people in the vicinity of it. It said that repairs should be carried out to eliminate these risks.

- While AXA arranged a visit to inspect the wall this wasn't until two months after the storm event. And as Mr M had been told by the council to take action in the meantime, I didn't consider the fact he had the wall demolished to be unreasonable.
- Further, Mr M was able to provide AXA with good quality photos of the wall that the council took. I thought these are enough for it to make an assessment of the damage and decide whether the claim would be accepted under the policy terms. So I didn't agree that he prejudiced AXA's position.
- I said that I was minded to require AXA to consider Mr M's claim under the remaining terms and conditions of the policy. And as it had delayed Mr M getting a decision on his claim I was minded to ask AXA to pay him an additional £100 compensation to make up for the distress and inconvenience this has caused.

### **Response to my provisional findings**

AXA didn't accept my provisional findings. It responded to say:

- It had already arranged a visit to inspect the wall and Mr M chose to have it demolished, rather than waiting to have it inspected.
- It didn't agree the council told Mr M to demolish the wall as it was in no major danger of immediate collapse.
- The photos were not enough to be able to validate the claim as they show some damage but aren't enough to show what caused the damage.

Mr M and Mrs W responded and accepted my findings.

### **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.

I've considered what AXA has said but it hasn't changed my position. While the council didn't explicitly instruct Mr M to demolish the wall, it did say it was his responsibility to ensure its safety and that it posed an immediate risk. I therefore don't consider it unreasonable that Mr M promptly instructed a builder. And as the wall was leaning onto a pavement, it isn't unreasonable that to ensure safety this was demolished.

While I appreciate an in-person inspection will usually be a preferable option, as Mr M took reasonable action and was able to provide clear photos of the condition of the wall, I don't agree this prevents AXA from making a fair decision on the claim. It isn't uncommon practice for insurers to carry out desktop assessments and I think Mr M has provided sufficient evidence for such an assessment to be completed.

For these reasons, I'm not persuaded to depart from my original findings and will require AXA to consider Mr M's claim and pay him an additional £100 compensation as previously laid out.

### **My final decision**

For the reasons I've given, I uphold Mr M and Mrs W's complaint. I direct AXA Insurance UK Plc to:

- Consider their claim for the damage to the wall under the remaining terms and

conditions of the policy.

- Pay them an additional £100 compensation to make up for the delay it's caused.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr M and Mrs W to accept or reject my decision before 19 May 2023.

Sophie Goodyear  
**Ombudsman**