

The complaint

Mr M complains that National House-Building Council (NHBC) declined a claim he made under his new home warranty.

What happened

The circumstances aren't in dispute, so I'll summarise the background:

- Mr M bought a new home covered by a ten-year NHBC warranty. He got in touch with NHBC about a number of concerns with his home, which eventually led to a complaint being referred to this Service. The only point upheld required NHBC to take further action in relation to the kitchen drainage. So that's what I'll focus on.
- The pipe which drains water from the sink and dishwasher has a 'belly' and a shallow fall. Mr M says this means it holds water, grease and/or debris, and causes problems draining the sink properly.
- Two drainage companies appointed by Mr M said the pipe needed replacing. A drainage company appointed by NHBC, U, said a high pressure water jet should be used to remove the grease to stop waste/water from building up in the pipe. NHBC said there was no evidence the drainage run wasn't performing, but this could only be assessed once the grease and any standing water or debris had been removed.
- As a resolution to the previous complaint, NHBC was required to water jet and clear the pipe and consider the matter further. It arranged for U to carry out that work.
- NHBC said there was no evidence of a lack of performance or serviceability. As a result, it said the pipe complied with NHBC Requirements and it wouldn't pay to replace the pipe. However, as U had recommended a further clean of the pipe, NHBC said it would arrange for this as a gesture of goodwill if Mr M wanted it to.
- Our investigator was satisfied NHBC had acted fairly, including the offer to clean the pipe for Mr M. He didn't agree, so the complaint has been passed to me.

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 think Mr M's main point is as follows: all parties agree there's a belly and shallow fall to the pipe – so it's not in dispute that the pipe has been installed imperfectly. And he shouldn't be expected to accept this kind of imperfection with a new build home.
- I can appreciate Mr M's point of view, and I think many people would share it. But, for reasons previously explained, my consideration is limited to how NHBC has acted in its role as underwriter of the warranty. And the warranty doesn't cover all problems with a new build home – the cover is for certain problems only.

- The warranty covers damage as a result of the builder failing to meet NHBC Requirements. These are the specific requirements set out in the NHBC Standards document. The relevant Standard in this case is for the design of the pipe to provide 'satisfactory performance'.
- Mr M doesn't think the design is meeting this Standard. He said a pipe with a belly and shallow fall will inevitably lead to repeated build ups of water or debris through normal usage, which would mean he has to pressure wash the pipe periodically. He doesn't think this amounts to 'satisfactory performance'.
- On the other hand, NHBC thinks the design is meeting this Standard. It says there haven't been repeated blockages, there was only a minimal amount of water in the pipe, the flow wasn't restricted, and regular maintenance wouldn't be required for normal usage. This was based on the findings and comments of U.
- The two drainage companies Mr M appointed both said the pipe should be replaced. But I don't think that was in reference to the cover offered by the warranty – they didn't say why the pipe wasn't performing satisfactorily. I haven't seen any recent comments from them, or any other professional, to challenge what U and NHBC have said about the performance of the pipe.
- The primary function of the pipe is to transport kitchen wastewater away safely, without causing blockages or significant build ups that might interfere with this function. Broadly, that seems to be happening, despite the imperfections.
- Overall, the evidence currently available doesn't persuade me the pipe is failing to perform satisfactorily. So, as it stands, the NHBC Requirements have been complied with and NHBC is therefore entitled to decline the claim.
- Mr M remains entitled to take up NHBC's offer to clean the pipe. If he would like to do so, he should get in touch with NHBC directly. If he later finds that, despite normal usage, the pipe isn't performing satisfactorily, he's entitled to get back in touch with NHBC and I'd expect it to consider matters further.

My final decision

I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr M to accept or reject my decision before 5 July 2024.

James Neville
Ombudsman