

New Homes Ombudsman

Case Study: **Unexpected Addition of Steps**



Issue

The customer complained that they were misled when they purchased their property and that the developer was only concerned with completing the sale. The customer expected the access path to the front door to be level, but two large steps were constructed and the gradient from the front of the property to the road was steeper than expected.

Relevant sections of the New Homes Quality Code

Part 1

Selling a new home

Part 2

Legal documents, information, inspection and completion

Part 3

After-sales, complaints and the NHOS

Circumstances

- A walk through the property took place when the build was complete, but there was no mention of steps being constructed to access the property. The customer explained that at this stage, the groundwork to build-up the front gardens and paths was still to be completed.
- Steps were added to the property after the exchange of contracts. The customer was informed of the change to their property when they received an email from the developer.
- When the customer raised concerns about the steps, the developer proposed building a ramp as an alternative, to which the customer declined.
- The customer felt pressured by the developer. They say that they were required to use a solicitor preferred by the developer. They were concerned that if they pulled out of the sale because of the issue with the steps, they would lose their deposit and the money they had spent on extras.
- The customer feels that their concerns were not properly addressed and were overseen by various staff.

Ombudsman's decision

The Ombudsman reviewed the evidence and found that although the developer recommended the use of particular professional advisers, the customer had the opportunity to carefully consider their appointment. There is no evidence to suggest the developer expressed that the sale might not go ahead without using a specific third-party professional adviser.

There was not sufficient evidence to establish that the developer did not provide relevant plans to the customer.

The information in the technical plans provided to the customer was not clear, as it did not provide a key to the pale arrow-like symbol in the plan of the front garden.

The steps permanently altered the appearance and accessibility of the house. The customer did not receive the property they expected.

The change to the property was not communicated very well. When the developer identified that access to the property needed to be altered, they did not liaise with the customer to explain why changes were needed, or to explore their preferences. They communicated via email with a photo of what had been done, with only a few weeks to go until completion. Understandably, the customer found the situation stressful.

New Homes Ombudsman

Case Study: **Unexpected Addition of Steps**



Outcome

Complaint upheld in part. Customer awarded £5000.



Learnings

- It is important to provide clear and transparent property plans to customers.
- Contacting a customer about a substantial update in their property plan via email does not provide an excellent standard of service.
- What may seem like a simple update to a property can significantly alter the accessibility of a property and who it can be used by.

Recommendations for developers

Make sure symbols and keys on plans are complete and easy to understand.

A phone call can improve relationships with customers. Talking about concerns fosters care and empathy, particularly when customers are faced with an unexpected change.

If changes must be made, include customers in the process, so they can explore the options available.

