

New Homes Ombudsman Case Study: **Unexpected Metal Access Ramp**



Issue

The customer complained that a metal access ramp had been unexpectedly positioned near their property. They claimed that the developer did not notify them prior to construction and that they would have considered looking at other properties if they had known the ramp would be located near their new home. Although the development utilises materials that reflect the local area, the customer felt the ramp did not fit in with its surroundings.



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

- The customer complained to the developer about the ramp near their property, claiming they were unaware of its planned construction.
- The developer explained that the ramp had always been part of the approved plans and was partially built while designs for landscaping and aesthetics were being finalised.
- According to the developer, plans showing the ramp location were made available to the customer via the customer's app, though not as hard copies due to their size.
- The customer said they would have chosen a different property had they known about the ramp, and they wanted the ramp removed.
- While the developer offered to let them withdraw from the purchase, the customer had already moved out of their previous home and was ready to complete.
- The ramp was constructed in line with planning requirements.

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Outcome

Complaint upheld. Customer awarded £500.



Ombudsman's decision

The Ombudsman reviewed the available evidence and found that the developer failed to meet the requirements of the Code.

Although the developer provided information to the customer, the nature of the access point between the development and the road was unclear. It is reasonable to conclude that the structure came as a surprise to the customer.

While the ramp appeared on various site plans, its presence was not easily identifiable to someone without technical expertise. The customer may not have had the professional knowledge required to interpret the drawings.

Learnings

- Being fair and transparent means providing the customer with information while ensuring it is clear and properly understood, particularly where this might impact decision-making regarding their purchase.
- It is important that sales advisors provide suitable and relevant information to help customers make fully informed decisions. Plans that seem clear to a professional may not be clear to a customer.
- A minor detail for a developer may have significant consequences for customers, especially as it could impact property accessibility or functionality.

Recommendations for developers

Make sure customers and sales advisers fully understand property plans. In this case, plans could only be clearly understood by a professional eye, which isolated the customer from fully understanding essential details.

Provide remedial solutions to prevent escalation. In this instance, the developer offered to allow the customer to withdraw from the sale.

