

The complaint

Mr I has complained about his let property insurer AXA Insurance UK Plc because it declined his storm claim made for a collapsed garden wall.

What happened

Mr I was notified, following a storm in December 2023, of damage in the garden of his property. He made a claim. AXA sent a loss adjuster in January 2024. The adjuster thought the fallen wall had not been damaged by a storm and the claim was declined. Mr I complained and AXA appointed a structural engineer to assess the damage. The engineer said the wall had fallen, primarily, due to a decayed supporting timber. AXA maintained its decline of the claim.

When Mr I complained to this service, our Investigator considered the evidence provided by both parties. She found the engineer's report was persuasive. She felt AXA had acted fairly and reasonably. Mr I asked for an Ombudsman's 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.

Our Investigator explained that this service has a set approach to complaints about declined storm claims. We ask three questions. If any one of them is answered in the negative, the complaint will likely not succeed. Of most importance in the circumstances of this complaint is the third of those questions – was the storm the dominant cause of the damage?

Mr I had a builder who said he felt, given his building experience, that the storm caused the wall to fall. The builder did not explain his view any further than that or support his findings with explanatory photos. Conversely, AXA appointed a structural engineer. The engineer produced a detailed report, explaining what he had found, with photos included to illustrate and support those findings. An engineer will often be viewed as more appropriately qualified than a builder, in a situation like this, to offer an expert opinion.

AXA's engineer was clear. He concluded: "On the balance of probabilities the freestanding patio wall collapsed due to decay and deterioration of the supporting timber lintel, caused by the lack of past maintenance...[and]... it is our opinion that the wind was not the leading cause of collapse." I find his report persuasive. I'm satisfied that the answer to my above question can fairly be said to be 'no'. As such, I think it was fair and reasonable of AXA to maintain its decline of Mr I's claim, and I don't uphold this complaint.

My final decision

For the reasons explained above, I don't uphold this complaint. I don't make any award against AXA Insurance UK Plc.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr I to accept or

reject my decision before 29 July 2024.

Fiona Robinson
Ombudsman