

Dear Mr Quinton,

Further to recent correspondence with your colleagues I would be grateful if, as Chief Executive of the NHBC, you could personally arrange for a more detailed response to my previous correspondence, principally relating to two key points:

1. The NHBC's failure to properly consider and respond to an appeal against your investigator's findings in respect of defects.
2. A failure in your quality assurance process in a property that was inspected and signed off by the NHBC that subsequently required 37 full days (and counting) of work in order to remediate defects.

Given the serious nature of my previous complaint to you in October and the woefully inadequate response by your team, I'd appreciate your personal attention in this matter given the wider implications in respect of the NHBC's complete failure in its duty to ensure that our property (and others) was built to both your own NHBC standards and in compliance with building regulations.

To help illustrate my points I have included links to relevant images, videos and other websites.

1. The first issue relates to your colleagues' inaccurate findings regarding an investigation into an inadequately constructed garage wall. Following only 24 hours of wind driven rain, the wall leaked, causing a flood to the garage, damage to personal possessions, removal of the flooring and contents and the use of a dehumidifier for 8 weeks in order to return it to a usable condition. Your investigators response to our appeal is attached.

In response to Miss Stringer's email of the 28th May 2014 (below), and Mr Kemp's letter of the 5th June (attached), the NHBC has not made any reference to the detailed points made in my email of the 6th April 2014 the responses lack any references to the NHBC's own technical standards to which I have specifically referred. I ask that you provide a comprehensive response that demonstrates your objective and proper consideration of each of the points made previously and below.

For clarity the flooding to our garage, as a result of a leaking wall, occurred over the 18th and 19th December long before the "*months of wet weather*" to which your investigator refers, as supported by the [met office](#). The flooding and waterlogging occurred following a 24 hour period of wind driven rain. This is the exact condition to which your own technical guidance refers and the construction of properties in such areas should involve the application of a **high standard of workmanship and possibly surface treatment** (as a safeguard during construction), in order to prevent an unacceptable level of rain penetration. Other properties on the edge of the development have also suffered unacceptable levels of water ingress through the walls following what was, at the time, a short period of wind-driven rain.

Your investigator's report states that "a garage is defined as a place for the purpose of storing a car. As such, it is permissible for garages to be constructed with single skin

brickwork, approx 100mm, which offers a lower standard of performance as compared with the external walls of habitable parts of the home". The report goes on to state that "the amount of moisture that may enter an exposed garage through a single skin brick wall is generally considered not to prejudice the **intended use of the garage**; that is storage of a car, and would not therefore, be considered to be a defect"

In his recent letter, your claims investigator Steve Kemp advises that planning issues are outside of the remit of the NHBC, which leaves me wondering exactly what your remit is. It would seem that the NHBC is purporting to be enforcing standards through its role as a Building Control Service whilst simultaneously ignoring the planning statements relating to the very properties to which the standards apply. In essence, the NHBC seems to have cherry-picked which of its own standards it chooses to 'enforce' whilst also failing to discharge its duty under the building control regulations. Taylor Wimpey's Supporting Planning Statement (1) and their Design & Access Statement (2 & 3) for the Chariots development, clearly state;

1. "...It is acknowledged that garages **are not always used for storage of cars....**"
2. "Garages will be designed.....(6m x 3m).... This will ensure that larger cars can be accommodated and that sufficient space is also available for **storage of garden utensils and cycles etc**"
3. "Garages will contribute to **secure cycle storage provision**".

It is reasonable to expect to be able to store items other than a car without concern about water damage following a short period of wind and rain. The standards on which Mr Kemp is basing his assessment fall short of the intended use as prescribed in the planning statement.

In respect of his comment "*single skin brickwork is porous and therefore, following severe or prolonged rainfall, the brickwork may become saturated and wet on internal surfaces*", the NHBC Standards clause 9.1 – D5(d) accepts garage walls constructed with a single leaf of brickwork or blockwork 100mm thick but says such walls will not be impervious to wind-driven rain and consequently could become damp. It also says '*In **areas of severe exposure, single leaf walls may require a high standard of workmanship and possibly surface treatment to prevent an unacceptable level of rain penetration***'. Although your investigator has neglected to mention this in any of his correspondence. I have previously provided [detailed images](#) highlighting the poor standard of workmanship to the brickwork, this was commented upon by both the snagging inspector and an independent builder who viewed the property following completion of sale and more recently it was acknowledged by Taylor Wimpey themselves.

In line with BS 8104:1992 Code of Practice for assessing exposure of walls to wind-driven rain and your very own NHBC's Technical Standards / Guidance, certain areas of Britain suffer from more severe wind driven rain conditions and therefore **special considerations** should be made in respect of the **type of brick, the mortar mix and the detailing**. The Building Research Establishment Report 'BR 262' provides a simplified procedure for assessing exposure to wind-driven rain for walls up to 12m high. It is primarily intended for low rise domestic buildings. This simplified guidance is based on a map that defines zones in

which calculations, in accordance with BS 8104, predict similar exposure conditions. The zones are numbered 1 to 4 and correspond with categories defined as sheltered, moderate, severe and very severe. Rainfall is largely unaffected by local features but conversely local features such as the spacing of trees, buildings and whether the ground is flat or steeply rising affects the wind speed significantly and thus the amount of exposure the prevailing features are submitted to. A good rule of thumb to use is the 'line of sight'. Thus if a wall is facing the sea or there is an elevated building which has nothing blocking the 'line of sight' or a building is at the end of a long estate road, for example, it is more likely to suffer the highest rate of exposure. Not only is our property located in the '**severe**' zone 3, it is also on the westerly edge of the development, without other buildings or trees in immediate line of sight and exposed to prevailing conditions. It is also one of 4 properties in the immediate vicinity to have suffered significant water ingress.

As your complaint administrator pointed out in her response to my email to you of 17th May 2014: "*I can advise that **NHBC's primary purpose is raising standards to protect homeowners.** Whilst we are not a statutory regulator of the building industry, all builders and developers registered with NHBC agree to comply with our Rules of Registration and to ensure that all new homes they build or sell are constructed in accordance with NHBC Technical Requirements ("Standards").*" This clearly wasn't the case with our property and several others on the development, given the lack of evidence that due care and attention was paid to quality assurance across the site, it follows that an equally inadequate level of attention was paid to specific requirements such as additional measures to protect against wind driven rain or assessing the specific construction requirements for properties with a higher level of exposure. The four properties in question have had no additional measures implemented. I request that you reconsider your response in respect of the above with a view to requiring Taylor Wimpey to undertake appropriate repairs to our property, by tidying the pointing and then applying a [Masonry Cream](#), or an alternative permanent solution, as would have been the case from the outset had the NHBC ensured that Taylor Wimpey made appropriate provisions in line with your own technical requirements and standards.

Now moving on to the issue of greatest concern.

2. The NHBC states that it helps developers build and deliver quality homes that comply with Building Regulations and that it is raising standards to protect home owners, with your surveyors making sure that building control is fully co-ordinated with your inspection service

Since purchase in September 2013 our property has now undergone **37 full days of remedial work.** Despite Taylor Wimpey's early assertions to the contrary, the property was deemed unfit for habitation on safety grounds and delays by Taylor Wimpey meant we didn't move in until late November, some two months following completion of sale. It has been an epic fight to get Taylor Wimpey to complete the works, involving £1500 of independent professional inspections to prove that Taylor Wimpey were deliberately trying to mislead us in order to avoid the required works. In addition to repeated failures to undertake the repairs properly, we have taken 20 days off work to be at the property for contractors, my partner had 8 weeks off sick with stress and we are still facing more upheaval with more work needed. How on earth did the NHBC deem our property to be

within your own standards, particularly now that Taylor Wimpey's Divisional Managing Director Philip Lyons, has finally admitted that it should never have been handed over to us in [the state it was in](#). The latest debacle is Taylor Wimpey's installation of replacement flooring onto a clearly [mould ridden chipboard subfloor](#) without any treatment of the mould.

The only aspect of our property not requiring remedial work was the garden, also the only aspect of the property that was not completed by Taylor Wimpey. **All remedial works to date** were needed in order to address defects resulting from sub-standard workmanship, inappropriate methods of installation, unsafe practices and in some cases failures to adhere to building regulations. With a report from Gas Safe, an NIC EIC investigation, trade body accredited inspectors and experienced professionals; the general consensus suggests that the construction and finish was rushed, undertaken by inappropriately qualified or inexperienced tradesmen and with NO evidence of appropriate quality assurance having been undertaken by the developer or the NHBC. More worrying is that with over 500 defects, the question remains as to why these were not identified during any one of the numerous NHBC stage inspections that allegedly took place during construction and recorded in the site log book. Despite Taylor Wimpey's repeated denials and attempts to tell us otherwise, all of the defects were subsequently deemed either out of NHBC tolerance or not to industry standard. The NHBC cannot continue to avoid responsibility for this situation, particularly given your company strapline.

Despite the building regulations 2010 No. 2215 PART 3 Independence of approved inspectors Regulation 9 stating clearly that inspectors cannot have a professional or financial interest in the work they supervise, you are actually funded directly by the developers. Your lack of impartiality surely makes you an inappropriate inspection body, this is before we've even looked at the evidence nationally, that clearly shows you're also an ineffective one. Here is just a snapshot of those [37 Days and counting...](#) involving significant upheaval for us over the last 9 months as a result of things that should have been picked up during your stage inspections.

We are one of a number of residents that have questions in respect of why so many issues went seemingly unnoticed on a site for which you awarded the site manager your highest accolade. If this is what he was genuinely [judged on](#) and homeowners are continuing to find so many issues with their homes (with Gas Safe now having reinforced our concerns), it is clear that something is seriously amiss with your building control, inspection and judging processes.

This is how Taylor Wimpey responded to the local press: *"We are sorry to hear that [REDACTED] [REDACTED] are unhappy with their new home, which like all of our properties has been constructed to the highest standard, and inspected and approved by the independent National House Building Council".....* With 37 days of work and counting it simply doesn't add up! Even Taylor Wimpey's Southern Counties Director maintained that there had been no failures in their quality assurance process. Following the repeated denials by sales staff, the award winning site manager, the regional production manager and assistant site managers – it seems that the tactic is to close ranks, deny everything and hope the customer will go away. The NHBC's lack of effort in addressing this situation suggests to

us that you are actually enabling their attitude towards customer care. They don't care, because they don't have to!

We believe there to be manifest failures by your organisation to identify what were patently obvious defects and departures from your own guidance and building regulations in the 1st and 2nd fix stages of the construction of our property. We have evidence of a number of defects which any reasonably competent inspector and site manager should have seen during the course of construction if there was a reasonably rigorous inspection regime in place, as was asserted to be the case, by yourselves and Taylor Wimpey.

The issue of quality control was first raised with you in October (attached) and the claim for the garage wall was submitted in February. Since then we have been bounced between yourselves and Taylor Wimpey with, it seems, a continued intent to avoid the burning question; how was our property approved by your organisation when it has needed more than **37 full days** of work involving **14 different subcontracting companies**, requiring us to have to deal directly with **over 60 different people** in order to get the property up to the standard that your organisation **signed to say it was** at the point of handover?

I look forward to receiving your personal and comprehensive response within 10 days as per your customer charter.

Yours sincerely

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