

Claim of the Month: The conservatory that had to go...



Becky Morgan, Claims Team Manager, First Title Insurance plc, explains how First Title supported its client who faced the challenge of dealing with the Local Authority regarding a planning permission issue.

A conservatory had been built on a property with no apparent planning permission or building regulation approval. The purchase was undertaken from a mortgagee in possession, so the normal pre contractual enquiries could not be made. A policy was provided for lack of building regulation and planning consent.

Several years after they purchased the property, the insured received a letter from the Local Authority stating that the conservatory had been built without the required planning permission and due to its size they were not willing to grant retrospective consent. The Local Authority threatened enforcement action.

First Title was advised of the claim and instructed / paid a surveyor to assess the potential options for remedying the situation. The result of the surveyor's investigation was that the conservatory could not be amended to a smaller one as it would not have been water-tight nor would it have matched the existing structure. Furthermore, it had not been in situ long enough to obtain a certificate of lawful use.

An agreement was reached with the insured to settle the claim, with First Title meeting the costs for the demolition of the conservatory and compensating the insured for the reduction in market value of the land.

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