



## NEIL THODY

BSc (Hons) MBA FRICS MCIPS APA DIP ADJ APAEWE

Chartered Surveyor; Purchasing & Supply Professional; Consultant NED, Trainer, Mediator, Adjudicator, Expert Witness and Partnering/Independent Adviser

### Skills Summary

Accomplished **dispute resolver** and **respected expert witness** with extensive experience in construction-related conflicts, technical analysis and the application of building contracts. I bring a strong track record in reducing, managing and resolving disputes through **early intervention**, structured analysis and clear, evidence-based reasoning. My background combines **deep technical expertise in building pathology and contractual frameworks** with many years of advising organisations on how to prevent issues escalating into formal disputes.

A **rigorous and analytical thinker**, I provide authoritative insight and practical guidance that strengthens decision-making, clarifies risk, and supports the fair and efficient resolution of contentious matters. I focus on identifying the root causes of failure, assessing liability objectively, and presenting conclusions in a manner that is both robust and accessible to legal teams, clients and tribunals. I am experienced in preparing **CPR-compliant expert reports**, giving oral evidence, and helping parties understand the technical, procedural and contractual dimensions of complex cases.

As an **accredited mediator and construction adjudicator**, I challenge adversarial mindsets and advocate for resolution pathways that minimise conflict, cost and delay. My approach emphasises clarity, collaboration and early issue identification, ensuring that parties are equipped to reach informed outcomes while maintaining commercial and professional relationships.

### Education/Qualifications

#### Royal Institution of Chartered Surveyors

Fellow of the Royal Institution of Chartered Surveyors, 2006 (Member since 1998 (Register Nr: 0103690))

#### Chartered Institute of Procurement & Supply

Member of the Chartered Institute of Procurement & Supply, 2010 (Membership Nr: 005386671)

Royal Institution of Chartered Surveyors (RICS), 2023  
Diploma in Adjudication

#### University of Hull, MBA, 2005

Executive MBA achieved with Distinction

Royal Institution of Chartered Surveyors (RICS), 2020  
Accredited Mediator

Chartered Institute of Personnel & Development, 2003  
Advanced Facilitation Skills

Centre for Effective Dispute Resolution (CEDR), 2009  
Accredited Mediator

South Bank University, BSc (Hons), 1989-1993  
Building Surveying

#### Legal Experience Training Ltd, 2010 – 2011

Advanced Professional Award in Expert Witness Evidence

### Employment

#### Orange Peel Consultancy Ltd (2023 to date)

##### *Founder & Managing Director*

Niche consultancy undertaking the following:-

- Strategic and complex construction procurement;
- Dispute avoidance and resolution (mediation, expert witness, expert determination, adjudication & independent adviser);
- Building pathology and defects diagnosis;
- Training & mentoring;
- Interim strategic level assignments;
- Non-Executive Director in a Consultant role, supporting the C-Suite in delivering their corporate strategy.

## Cameron Consulting (UK) Ltd (2006-2023)

### *Founder & Managing Director*

I established Cameron Consulting as a leading provider of specialist construction procurement consultancy services across multiple sectors. I have led on the procurement of many major and notable construction projects in the UK (circa £30bn) as well as undertaking post contract dispute avoidance services, mainly on alliance and partnering programmes.

## The Erinaceous Group (1997-2006)

### *Board Director*

I joined Haywards Chartered Surveyors in 1997 and worked my way up to Associate Director and then main Board Director. I was involved in growing the business through acquisition and became a shareholder in the group company, The Erinaceous Group. I was Managing Director of one of the subsidiary companies, Kennedy Haywards and managed the merger of one of the acquired companies.

## Various Companies (1993-1997)

### *Building Surveyor*

I worked as a Building Surveyor for the following companies when I left university:-

- Awford Phillips Associates
- Robinson Kenning & Gallagher
- James Nisbet & Partners

## Experience

### Mediation

- Neighbour dispute in connection with damage caused to neighbouring property. Matter resolved satisfactorily. **February 2025**
- Neighbour dispute in connection with access issues to carry out essential building work. Matter resolved satisfactorily. **April 2023**
- Dispute on payment and performance issues between main contractor and tier 1 sub-contractor. Matter resolved satisfactorily. **February 2022**
- Dispute in relation to cost of works and warranty on completed installation of hot water distribution systems between Client and Contractor. Matter resolved satisfactorily. **March 2019**
- Dispute in relation to a claim for additional costs on a responsive repairs contract between local authority client and contractor. Matter was not resolved during mediation, but sufficient headway was made and six months later, the parties settled their dispute. **June 2017**

### Expert Determination

- Disagreement in final account calculations following open book review. I reviewed the original contract documents and final accounts and made my independent assessment on the quantum of the dispute to enable the parties to settle. **Nov 2024**
- Disagreement between local authority client and their contractor in relation to contractual matters. I met with the client and contractor and discussed the key issues of dispute. I collated all relevant documentation and reviewed the matters of dispute. I prepared a non-binding report on my recommendations on each matter of dispute which the parties accepted and moved forward on. **June 2023**
- Disagreement between local authority client and their contractor on the calculation of concrete repairs in building up the cost of the work. I reviewed all the relevant documentation provided to me and I interviewed key members of the team from both parties. My conclusions were provided in a non-binding report with recommendation but were accepted by the parties and resulted in the remeasurement and re-valuation of the work. **Feb 2021**

## Independent Adviser/Partnering Adviser

- Independent Adviser for Southern Housing (TAC-1) on £30m annual programme of planned and cyclical maintenance, providing support to the Alliance Team and acting as a first port of call for disputes. **2016 to 2024.**
- Independent Adviser for Royal Borough of Greenwich (TAC-1) on £300m new build off site manufactured housing, providing support to the Alliance Team and acting as a first port of call for disputes. **2019 to date.**
- Partnering Adviser (PPC2000) on construction of Five Wells prison on behalf of Ministry of Justice. **2018-2021**
- Partnering Adviser for Southwark Council (TPC2005) on £80m annual major works programme, providing support to the Partnering Team and acting as a first port of call for disputes. **2011 to date.**
- Independent Adviser for Look Ahead Care & Support (JCT MTC16) on £10m annual programme of planned maintenance and responsive repairs, providing support to the Project Team and acting as a first port of call for disputes. **2022 to date.**
- Partnering Adviser for Notting Hill Genesis (under PPC2000) for £5m+ remediation works at Bakersfield Estate. **2025 to date.**

## Expert Witness

- Dispute between Home Owner and Builder in relation to defective work. Appointed by the Claimant. **2026**
- Dispute between Home Owner and Builder in relation to defective work. Appointed as Single Joint Expert. **2026**
- Dispute between Freeholders in connection with boundary dispute matter. **2026**
- Dispute between Home Owner and Local Authority in relation to damage to 270 year old cottage, caused by burst water main. **2025**
- Dispute between Home Owner and Builder in relation to a breach of contract claim. **2025**
- Dispute between house owner and builder in connection with quality of work and quantum of disputed items of work. **2025**
- Dispute between freeholder and leaseholder in connection with water penetration in block of flats involving water penetration through windows and façade system. **2025**
- Dispute between developer and land agent in connection with remuneration for services undertaken by the land agent. **2024**
- Dispute between Consultant and their adviser where I was asked to review the contract and scope of services of the adviser and their competence to undertake the required services. My report found significant failures in the service provided by the adviser which resulted in the Court deciding in favour of the Consultant. **2021**
- Dispute between a Housing Association and Contractor in relation to early termination of a contract. I was asked to review the quantum of the dispute involving reviewing multiple works orders which was used as the basis of the client's decision to terminate the contract. **2018**

## Memberships

### UK Register of Expert Witnesses

Signed up member since 2024

### RICS Consumer Home Improvements Dispute Service

Panel Member, 2023 to date

### National Expert Witness Agency (NEWA)

Signed up member since 2025

### Civil Mediation Council

Registered member of the CMC, 2023 to date

### RICS Conflict Avoidance Pledge

Signed up member since 2022

### Alliance Steering Group, 2006

Founder member of the Alliance Steering Group promoting the use of alliance contracts and collaboration

## Interests & Wellbeing

- |                    |                      |              |                        |
|--------------------|----------------------|--------------|------------------------|
| ▪ Padel            | ▪ Keeping Fit        | ▪ Cooking    | ▪ Reading              |
| ▪ Creative writing | ▪ Gardening          | ▪ Meditation | ▪ Clay Pigeon Shooting |
| ▪ Podcasts         | ▪ Continued learning | ▪ Travel     | ▪ Art and culture      |

June 2026



## EXPERT WITNESS

# Summary of Recent Instructions

## Building Pathology & Construction Dispute Matters

This document summarises a representative selection of recent expert witness instructions undertaken by Neil Thody FRICS of Orange Peel Consultancy Limited. The matters illustrated below demonstrate the breadth of appointment types accepted — including single joint expert and party-appointed roles — and the range of technical and quantum issues addressed across residential, leasehold, development and public procurement disputes. All instructions are undertaken in accordance with CPR Part 35, the accompanying Practice Direction and Protocol, and the standards of conduct expected of a member of the Royal Institution of Chartered Surveyors.

### Areas of Expertise

|                                  |                                                                                                                                                                                                                                                                                          |
|----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Appointment types</b>         | CPR Part 35 expert · Single Joint Expert (court-appointed) · Party-appointed expert                                                                                                                                                                                                      |
| <b>Building pathology</b>        | New-build and renovation defects, water ingress, render systems, curtain walling and cladding, roof and loft ventilation, mechanical ventilation, electrical certification, drainage and flooding, boundary and party walls, structural construction and Building Regulations compliance |
| <b>Quantum &amp; remediation</b> | Final accounts, loss and expense, prolongation, open-book review, valuation of incomplete works, measured remedial cost build-ups and contractor-estimate review                                                                                                                         |
| <b>Contract &amp; procedure</b>  | JCT Minor Works, FMB and developer contracts, NHBC and warranty standards, payment and Pay Less Notices, public procurement frameworks                                                                                                                                                   |
| <b>Sectors</b>                   | New-build and refurbishment housing, residential development, leasehold and commercial (landlord & tenant), warranty claims, public sector procurement                                                                                                                                   |

*Note: Matters are anonymised and presented in summary form. Full case studies and CPR Part 35 compliant reports are available on instruction. References to individual parties have been kept general to preserve confidentiality.*

RECENT EXPERT WITNESS MATTERS

CASE 01 · EXPERT WITNESS

New-Build Housing Defects & Remediation — Detached Dwelling, East Sussex

CPR Part 35 Expert · Claimant-Appointed (Sole Expert)

July 2026

|             |                    |                   |                       |
|-------------|--------------------|-------------------|-----------------------|
| CPR PART 35 | BUILDING PATHOLOGY | NEW-BUILD DEFECTS | QUANTUM & REMEDIATION |
|-------------|--------------------|-------------------|-----------------------|

The owners of a four-bedroom detached new-build home, purchased from a regional developer for £665,000, instructed me through their solicitors as sole CPR Part 35 expert in a dispute over alleged defective construction. A pre-completion professional snagging survey had identified 281 defects, and despite repeated rectification attempts by the developer between 2022 and 2025 a substantial number remained outstanding. My instruction was to address five questions: what defects exist, which have been rectified, whether the works comply with Planning, Building Regulations, the contractual specification and the warranty standards, the likelihood of further defects, and the cost of remediation.

Following a full-day inspection of the timber-frame dwelling, I identified 44 defects across twelve areas — 13 Critical, 25 Major and 6 Minor — spanning the external envelope, roof and loft ventilation, mechanical ventilation, the electrical installation and certification, the staircase, wet areas and external drainage. I assessed each against a clear hierarchy of standards (planning consent, the Approved Documents, the contractual specification and the NHBC Technical Standards as industry benchmark), categorised defects by severity, and produced a future-risk assessment and a measured remedial cost built up item by item. The report carefully distinguished confirmed defects from those requiring further opening-up, and recorded the planning-law dimension as outside my surveyor's remit.

OUTCOME

CPR Part 35 compliant expert report produced, concluding a systemic failure of supervision and quality-control rather than isolated workmanship errors. Measured remedial cost assessed at £153,388 inc. VAT, against claimant contractor estimates of £285,960 and £265,836; matter proceeding through civil litigation.

## CASE 02 · EXPERT WITNESS

**Residential Renovation Defects — London Home Extension****CPR Part 35 Expert · Claimant-Appointed**

January 2026

|             |                      |                      |             |
|-------------|----------------------|----------------------|-------------|
| CPR PART 35 | CONSTRUCTION DEFECTS | BUILDING REGULATIONS | RESIDENTIAL |
|-------------|----------------------|----------------------|-------------|

A homeowner paid in excess of £106,000 to a contractor for a rear and side extension, the installation of new skylights, a new boiler and associated finishes. The works were abandoned mid-project following a payment dispute, leaving the property in serious disrepair. I was instructed as a CPR Part 35 expert witness by the claimant's solicitors to inspect the property and provide an independent assessment of the works undertaken.

My inspection identified critical defects across roofing, fire doors, drainage, floor construction and Building Regulations compliance — including an unauthorised change from a pitched to a flat roof for which no planning amendment had been sought. The report carefully distinguished confirmed defects from unsubstantiated allegations, providing the legal team with a technically rigorous, court-ready evidential basis for the claim.

**OUTCOME**

CPR Part 35 compliant expert report produced; matter proceeding through civil litigation.

## CASE 03 · EXPERT WITNESS

**Final Account & Loss and Expense — Residential Flat Refurbishment, Northwood****Quantum Expert · Claimant-Appointed**

September 2025

|                     |                 |               |                 |
|---------------------|-----------------|---------------|-----------------|
| QUANTUM & VALUATION | JCT MINOR WORKS | FINAL ACCOUNT | PAYMENT NOTICES |
|---------------------|-----------------|---------------|-----------------|

B&H Builders carried out bathroom reinstatement works at a residential flat in Northwood under a JCT Minor Works contract. Practical completion was certified ten weeks late, a £4,965.41 payment certificate went unpaid without any Pay Less Notice, and the parties were more than £24,000 apart on the final account. I was instructed by the claimant's solicitors to prepare a CPR Part 35 expert report and produce an independent final account and valuation.

I assessed the total prolongation claim at £5,522.17 — a figure positioned between the parties' competing valuations — confirmed that the unpaid certificate was recoverable as a debt with statutory interest, and valued the final account at £26,391.51. I further identified that the employer's Pay Less Notice may be unenforceable owing to multiple procedural deficiencies, citing the relevant authorities on the requirements of a valid notice.

**OUTCOME**

Total recoverable debt assessed at £25,014.40 (inclusive of VAT and interest across all three heads of claim); matter proceeding through civil litigation.

## CASE 04 · EXPERT WITNESS

## Disputed Valuation of Incomplete Works — Victorian Terrace Extension, North London

Single Joint Expert · Court-Appointed

April 2025

SINGLE JOINT EXPERT

QUANTUM &amp; VALUATION

BUILDING CONTRACT

RESIDENTIAL CONSTRUCTION

A homeowner paid £209,904.96 under an FMB domestic building contract for the refurbishment and rear extension of a Victorian terrace in North London. The contractor departed site in June 2018, sixteen weeks beyond programme, with the majority of internal works — including all mechanical and electrical installations, flooring, plastering, joinery and fit-out — left incomplete. Two further contractors were subsequently engaged to finish the project.

Appointed as Single Joint Expert by order of HHJ Parfitt at the County Court at Central London, I assessed the extent and fair value of the works carried out by the defendant as at 11 June 2018. Working from the contract documents, the defendant's priced schedule, contemporaneous photographic evidence and my own site inspection nearly seven years after the contractor left site, I produced an item-by-item valuation with reasoned adjustments for substituted materials, omitted insurance, incomplete structural works and all items finished by others.

## OUTCOME

Single joint expert report produced; matter listed for trial at the County Court at Central London, August 2025.

## CASE 05 · EXPERT WITNESS

## Water Ingress & Building Defects — High-Rise Leasehold Flat, East London

Party-Appointed Expert · Defendant

April 2025

BUILDING PATHOLOGY

WATER INGRESS

LANDLORD &amp; TENANT

CURTAIN WALLING

A leaseholder of a thirteenth- and fourteenth-floor duplex apartment claimed against her landlord in respect of persistent water ingress dating back to 2022, affecting lounge windows on two elevations and the guest bedroom ceiling. The building's high-rise corner position, its complex curtain walling system and the restricted access available rendered the identification of the precise source of penetration technically demanding.

I was instructed as a party-appointed expert witness on behalf of the defendant landlord. Following external and internal inspections, a review of the construction drawings and analysis of the lease, I identified aged and failed mastic detailing at the parapet cappings and cladding junctions, the probable absence of a tray above the windows, and poor detailing of the soffit return as the most likely causes of ingress. I concluded that all identified failure points fell within the landlord's demise, flagged the windows as requiring legal clarification, and recommended a programme of further intrusive investigation to confirm root cause.

**OUTCOME**

Expert report produced; matter proceeding through civil litigation.

**CASE 06 · EXPERT WITNESS****Disputed Profit Share — Residential Development Sites, Sussex****Party-Appointed Expert · Defendant**

December 2024

**QUANTUM**

RESIDENTIAL DEVELOPMENT

LAND AGENCY

OPEN-BOOK REVIEW

A land agent claimed unpaid remuneration — including a 10% share of net profit — for services provided to a residential developer across multiple Sussex housing sites over a four-year period. With no formal contract in place, the scope of the role, the definition of profit and the value of the services provided were all in dispute.

I was instructed as a party-appointed expert witness on behalf of the defendant. Drawing on industry consultations, financial analysis and open-book review experience, I concluded that commission-based land agency fees would have totalled between £118,000 and £237,000, that stack cost estimating could not properly be used to calculate profit, and that the £474,000 already paid to the claimant represented fair and reasonable remuneration.

**OUTCOME**

Expert report produced; matter proceeding through civil litigation.

**CASE 07 · EXPERT WITNESS****Wrong Framework, Real Harm — Public Procurement Bid Dispute****Party-Appointed Expert · Claimant**

April 2021

**PUBLIC PROCUREMENT**

PROFESSIONAL NEGLIGENCE

FRAMEWORK SUITABILITY

CIVIL LITIGATION

A project management consultancy engaged a bid management company to submit a tender application to a major Crown Commercial Service framework. The framework transpired to have been designed for construction works contractors and was entirely unsuitable for a professional services consultancy. The claimant had raised concerns throughout the process, which were repeatedly disregarded.

I was instructed as a party-appointed expert witness to provide opinions across six specific questions, drawing on my extensive public sector procurement experience. I concluded that the framework was wholly unsuitable, that the defendant had made a material error, and that the claimant could not have succeeded in the bid in any form. The report provided the evidential foundation for the claim.

**OUTCOME**

Expert report produced; matter resolved, with the claimant recovering its fees.

## CASE 08 · EXPERT WITNESS

**Rising Damp & Causation — Listed Period Cottage, West Sussex**

Party-Appointed Expert · Defendant

January 2026

## BUILDING PATHOLOGY

## RISING DAMP &amp; MOISTURE

## CAUSATION &amp; NEGLIGENCE

## CPR PART 35

The owner of a circa 270-year-old listed solid-brick cottage brought a claim against a local highway authority and its contractor, alleging that the re-routing of surface water beneath the property — and a subsequently identified punctured water main — had caused significant rising dampness and structural damage. I was instructed by the defendant authority's solicitors as a CPR Part 35 expert witness to address two questions: whether the property had suffered significant rising dampness as a result of the punctured main, and whether the alleged loss and damage would have occurred absent any negligence or nuisance on the part of the defendant.

Following a non-destructive site inspection, a systematic programme of moisture-meter readings and a review of the witness evidence and technical literature, I established that the property had never benefited from any damp-proof course or damp-proof membrane, whether original or retrofitted. I distinguished true rising damp from moisture attributable to hygroscopic salts, bridging, defective thresholds and lack of maintenance, and found no technical evidence linking the alleged punctured main to the dampness observed. I concluded that rising damp had always been present as an inherent characteristic of a building of this age and construction, that remedial works to achieve a "dry state" would constitute betterment, and provided an outline schedule of works and budget cost.

## OUTCOME

CPR Part 35 compliant expert report produced, concluding no causal link between the punctured water main and the rising dampness, and that the damage would have occurred regardless of the alleged negligence. Outline remedial cost assessed at circa £57,000–£62,000 (excluding VAT and fees); matter proceeding through civil litigation.

## CASE 09 · EXPERT WITNESS

**Systemic Render Defects & Warranty Dispute — Two Detached Dwellings, County Durham**

Advisory Expert · Party-Appointed

July 2026

## BUILDING PATHOLOGY

## RENDER SYSTEMS

## WARRANTY DISPUTE

## NHBC STANDARDS

The original contractor of two detached rendered dwellings, built circa 2016, faced warranty claims after progressive "render pops" — localised circular blow-outs of the through-coloured render — appeared across multiple elevations. The structural warranty underwriter's surveyors had proposed localised patch repairs or an insulated re-render system. I was instructed through the contractor's solicitors as sole building pathology expert to determine whether the render was defective and, if so, whether the defects were structural, a health and safety risk or cosmetic; whether patch repairs or a full re-render were appropriate; and to comment on the opposing technical evidence. Although proceedings had not been issued, the report was prepared so far as practicable in accordance with

CPR Part 35 and the RICS practice statement, so that it could stand in any subsequent adjudication, arbitration or litigation.

A joint inspection was undertaken with the underwriter’s surveyor present, at which I counted, mapped and measured every render pop across both properties, undertook tap testing to distinguish workmanship blemishes, and carried out a dimensional survey of the movement joints. I established that the construction was traditional rendered cavity blockwork — not timber frame, as the opposing evidence had assumed — and concluded that the render itself was not defective: the probable cause was reactive metallic particles within the concrete blockwork substrate expanding on contact with moisture, consistent with laboratory SEM-EDX evidence in the bundle, with contributory moisture pathways including render bridging the DPC, absent weep holes and movement-joint provision falling short of NHBC standards. On that basis I advised that patch repairs would not be proportionate — the contamination is latent and popping was demonstrably live and ongoing — and that an insulated re-render would contain rather than cure the defect, recommending instead a staged programme of opening-up, core sampling and petrographic analysis leading to substrate-led remediation.

OUTCOME

Expert advisory report produced within three weeks of inspection, reframing the dispute from cosmetic patch repair to substrate causation and setting out a staged investigation and remediation strategy; matter continuing between the parties.

CASE 10 · EXPERT WITNESS

Water Ingress & Agreed Joint Statement — Commercial Premises, Kennington, South London

CPR Part 35 Expert · Claimant-Appointed June 2026

|                    |               |                   |                 |
|--------------------|---------------|-------------------|-----------------|
| BUILDING PATHOLOGY | WATER INGRESS | LANDLORD & TENANT | JOINT STATEMENT |
|--------------------|---------------|-------------------|-----------------|

The commercial tenant of ground-floor and basement premises beneath residential flats in South London brought a claim against its landlord in respect of water ingress incidents in January and July 2024, alleged to have arisen from a ruptured pipe and to have rendered the premises unfit for occupation and use. I was instructed as the claimant’s expert witness under a court direction for building surveying expert evidence, undertaking an independent inspection before meeting the defendant’s expert through a series of discussions and a joint site investigation, including opening-up of the affected ceiling.

The joint investigation established that the most probable cause of the ingress was defective mastic seals around a shower tray in the flat above — an intermittent leak occurring only when the shower was in use, inadvertently cured when the mixer valve and seals were replaced — rather than the alleged ruptured pipe, of which no physical evidence existed. The experts further agreed that the ingress had been localised, affecting at worst some 6m² of ceiling — roughly 8% of the floor area — and had not rendered the premises unfit for occupation and use, and that significant elements of the invoiced remedial and rewiring works were not supported by the physical evidence. The final joint statement was agreed with no issues remaining in disagreement between the experts — a demonstration of the expert’s overriding duty to the court, irrespective of the instructing party.

**OUTCOME**

Joint expert statement agreed and signed in June 2026 with no issues in disagreement, resolving causation, extent and fitness for occupation and substantially narrowing the issues in the litigation.

**CASE 11 · EXPERT WITNESS****Refurbishment Defects: Single Joint Expert to Party Expert —  
Edwardian Terrace, North London****Single Joint Expert, re-designated Claimant's Expert**

April – July 2026

**SINGLE JOINT EXPERT**

CONSTRUCTION DEFECTS

BUILDING REGULATIONS

CPR PART 35

In a County Court dispute over extension and refurbishment works to an Edwardian mid-terrace divided into two flats, I was jointly appointed as Single Joint Expert by both parties' solicitors to opine on eight areas of alleged negligence — spanning bathrooms, a steel balcony, fire and sound proofing to the flat separation, cellar stairs, electrical works, damp penetration and underfloor heating — together with alleged incomplete and omitted works. Working to a compressed litigation timetable, I inspected within eleven days of instruction and delivered the final CPR Part 35 report within three weeks. My findings distinguished areas of negligent workmanship — including a balcony that had failed building control inspection for want of a codified welder, cellar stairs in breach of Approved Document K and defective damp detailing — from allegations where the contractor was not at fault, such as the electrical installation and boiler.

When the trial could not be heard, the court ordered that each party instruct its own expert and my report was re-designated as the claimant's expert evidence. I was subsequently instructed to prepare a supplemental CPR Part 35 report responding to the defendant's expert, more than 300 pages of further disclosure and a new question on diminution in value — prepared and served within four days of instruction. The supplemental report maintained my original opinions where the evidence supported them, revised the position where it did not — including apportioning shared responsibility for the non-compliant sound-proofing between the parties — and assessed diminution in value as equating to the evidenced remedial cost.

**OUTCOME**

Single Joint Expert report and supplemental party-expert report served in accordance with court deadlines; matter listed for trial in January 2027.

CASE 12 · EXPERT WITNESS

Boundary Wall Failure, Trees & Water Ingress — Mixed Residential Property, Clapham, South London

CPR Part 35 Expert · Claimant-Appointed

Instructed February 2026 · Ongoing

|                  |                    |               |             |
|------------------|--------------------|---------------|-------------|
| BOUNDARY DISPUTE | STRUCTURAL FAILURE | WATER INGRESS | CPR PART 35 |
|------------------|--------------------|---------------|-------------|

I am instructed by solicitors for the owner of a property adjoining Clapham Common in a dispute with a neighbouring owner concerning boundary ownership, nuisance and property damage. The CPR Part 35 report is to address four questions: the ownership of the failed boundary wall — including whether it is a party fence wall constructed astride the boundary or lies wholly within one title; the cause of the structural failure of the wall; the cause of water ingress affecting the ground- and first-floor flats; and whether a previous attempt to remove a tree adjacent to the wall fell below the standard of reasonable care and skill expected of a landowner. Given the complexity of the matter, I am supported by a chartered building surveyor and party wall surveyor within my team.

The investigation combines desktop analysis — Land Registry titles and lease plans, planning records and historic mapping — with inspection of both properties, a measured survey of the defective wall, moisture profiling of the affected flats and mapping of the water ingress routes. I have coordinated a multidisciplinary evidence base, commissioning specialist arboricultural advice on root damage, structural engineering input on the wall’s stability and reconstruction, and a topographical survey of the boundary line. The report will conclude with a quantified schedule of remedial works and a detailed cost estimate covering tree removal, rebuilding or repair of the wall and internal damp remediation.

STATUS

Site inspections and specialist surveys undertaken; CPR Part 35 expert report in preparation, supported by arboricultural, structural engineering and measured-survey evidence.

CASE 13 · EXPERT WITNESS

Drainage Causation & Flood Damage — Commercial Premises, East London

Single Joint Expert · Jointly Appointed

Instructed June 2026 · Ongoing

|                     |                     |           |          |
|---------------------|---------------------|-----------|----------|
| SINGLE JOINT EXPERT | DRAINAGE & FLOODING | CAUSATION | NUISANCE |
|---------------------|---------------------|-----------|----------|

The owner of vacant commercial premises in East London claims approximately £120,000 — comprising reinstatement costs and loss of rent — after fat-contaminated foul water flooded the property in July 2025, allegedly discharging from a blocked rainwater stack serving the adjoining building, whose ground floor is let to a hot-food takeaway. The claim is brought in nuisance, breach of quiet enjoyment and under the Defective Premises Act 1972. Following pre-action correspondence, the parties jointly appointed me as Single Joint Expert by deed, instructed through both parties’ solicitors to prepare a CPR Part 35 report on the cause of the flooding.

I inspected both properties in June 2026, examining the claimant's premises — where historic, dried-out damage and mould contamination track the party-wall line at both mezzanine levels — and the defendant's building, including a concealed drainage chamber found to contain heavy fat deposits. The presence of fat within the flood water is diagnostically significant, being inconsistent with clean rainwater from the claimant's own aging roof, and my working hypothesis under test is that a fat-blocked rainwater stack caused storm water to back up and overtop a box gutter at the party wall. The causation analysis is complicated by post-event jetting of the drains — which altered the physical evidence — and a disputed flood date that must be reconciled against Met Office rainfall records, requiring careful forensic treatment of the documentary, photographic and drainage-survey evidence.

**STATUS**

Joint inspection of both properties complete; CPR Part 35 Single Joint Expert report in preparation addressing causation, the competing accounts of the flood event and the reasonableness of the claimed losses.