

LESLIE COLTON

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ENGINEERING AND ARCHITECTURAL SERVICES

"UNDERHILL"

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Your ref:

Our ref: RC/LC

24th January 2017

Mr Simon McElwee
Farrell McElwee
Solicitors
1 Maryborough Street
Graiguecullen
Carlow.

Re: House under construction at Killabbin, Killeen, Ballickmoyler, Co Laois for Ann McDonald

Dear Mr McElwee,

I refer to the above matter and to your letter dated 18 December 2017. Please note at the outset that we deny any and all liability for the claims being made.

For the avoidance of doubt, I was engaged by your client, Ann McDonald to design a dwelling house and submit a planning application to Laois County Council which was granted planning permission with planning reference 16/449 with 11 conditions attaching.

I informed your client that Fitzsimons Doyle, who act as assigned certifiers on projects, could act as Assigned Certifier on this development. Their fee would be approx. €6000.00. Your client declined this option and chose to Opt Out of the Building Control (Amendment) Regulations (BCAR).

I supplied names of three Building Contractors, none of which your client decided to engage. I also supplied names of sub-contractors. Your client decided to go for Direct Labour on the build,

Of the names I supplied, your client chose to engage Mark Foot for the block laying and Martin Tynan and Eddie Kinsella for the roofing, on a labour only basis. Your client would provide the materials, plant and scaffolding. Your client engaged other sub-contractors not me.

In choosing to go Direct Labour and Opting Out, your client became the Building Contractor herself, and as such, it is the Building Contractor's duty to check for insurance of sub-contractors and provide her own self build insurance which should cover tradesmen working on the site.

Since December 2016 I made periodic site inspections and site visits as requested by your client and provided construction details for the foundations and for the first floor slab. I only ever stated that I would make periodic site visits. It was never agreed that I would supervise the works.

At the layout stage your client requested that the garage length be increased by 1 metre which was not in accordance with the grant of planning. I informed your client that retention planning permission would be needed for this alteration. This space on the planning drawings was for storage. Your client wanted to make more use of the space in the attic and on 3 January 2017 I prepared a revised drawing showing the apex of the roof raised by 400mm to give a 2.4m high ceiling to the horizontal ceiling portions.

At this stage I informed your client that these proposed alterations would compromise her Grant of Planning Permission and would require retention completion planning permission, however, your client declined my advice and continued with the proposed alterations. Your client decided she would apply to Laois County Council for retention permission for the raised apex when the house was completed.

In February 2017, when the concrete first floor was put in place, your client insisted that the first floor slab in the lobby be removed and the stairs to the attic be relocated on the first floor. I prepared revised drawings of the first floor and of the attic area under your client's instructions. On the first week of May I received an email from your client with a suggested residential first floor layout of the garage. At this stage the roof of the garage was latted and felted. Your client instructed the roofers to install four Velux windows in the garage roof. The use of the garage as residential contravenes condition 10 of the grant of planning permission. I informed your client of this fact at the time.

Your client informed me in early November that she was having a report prepared by another engineer on the roof and she said it would be ready in a couple days and we should have it before 20 November 2017. We agreed to meet on site with Martin Tynan and Eddie Kinsella on 20 November. I met your Client and the roofers on site on 20 November 2017. The report had not come through but your client pointed out some items of concern which the roofers agreed to come back and remedy straight away and on receipt of the report they would carry out the remaining items, bearing in mind that the roofing was not completed when the inspection report was carried out by Mr Thomas Cassells.

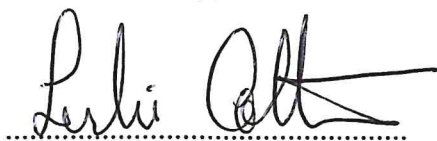
Martin Tynan and Eddie Kinsella informed me that the roof is not completed and the supporting of same will not be completed until the layout of the attic space/second floor is completed, the shortcomings would be addressed at that stage. Both Martin Tynan and Eddie Kinsella and Mark Foot are willing to return to the site and complete the works to the satisfaction of Mr Thomas Cassells and your client.

With regard to the matters raised in the report by Mr Thomas Cassells and in the interest of progressing matters, please see attached Appendix 1 where I have set out the method to complete the roof and the extra works to be carried out.

Due to the departures from the Grant of Planning permission, I have not issued any certificates on this development.

Please note that I have not been remunerated for any of my work since construction commenced.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Leslie Colton', written over a dotted line.

Leslie Colton