

Aon/Vero Profin

Case study 2

The designer was engaged to design a three storey home. The land for this particular property was very steeply sloping, which made it quite challenging to design. The design had to provide for an excavation into the allotment in order to create a flat area for the garage lower floor. The cut back for the building was determined in reference to plans drafted by geological consultants. Unfortunately the designer misread these plans and this resulted in incorrect figures on his working drawings.

Excavation commenced on the site and half way through it became apparent the site cut was too severe. The house would be located too far into the excavation. The owners became concerned that they would not be able to look outside the second floor windows. The solution to the problem meant that the second floor had to be raised 3 metres and the footings increased. However, this still resulted in the garage being located too far into the excavation to the point where it was actually below ground level.

The designer received a written demand from solicitors acting for the owners. They alleged that the designer negligently designed the property by having incorrectly incorporated wrong site levels which resulted in the excavation cut being deeper than represented on the working drawings. The owners essentially sought damages for wasted money spent on excess excavation, cost incurred in trying to rectify the problem, and they alleged that there was a depreciation in the value of their property.