

Neutral Citation Number: [2019] ECC Der 8

In the Consistory Court of the Diocese of Derby

In re Quarndon, St Paul, (Grade II), and

In the Matter of a Petition dated 27th August 2019, presented by Rev'd Rebecca Mathew, Priest-in-Charge, and Mr Michael Annable, Churchwarden, and Dr David Longley Connell, Buildings Committee Member

Judgment

- 1) The proposals are to replace the existing cast-iron sectional rainwater guttering with continuous extruded black anodised aluminium guttering in a similar ogee profile, bedded onto a soft zinc dpc, which will necessitate removal of three courses of roof slates. Some of these may require replacement because of breakages, or possibly general deterioration through age. In addition some internal plaster work requires repair, together with ancillary work. The specification and roof drawings have been prepared by the well-known church architects' firm of Messrs Smith and Roper, who are based in Sutton in Ashfield in Nottinghamshire.
- 2) The total cost is put at around £50000, which is available.
- 3) St. Paul's is a Victorian church with its own churchyard still in use, and stands within the Quarndon Conservation Area, which is situated on the north-west of the City of Derby. This sandstone church with slate roofs was built in 1872-1874, by Giles and Brookhouse, its design dismissed by the 1953 first edition of Pevsner's *Buildings of England : Derbyshire* as 'tasteless and restless', a view repeated in the 2016 Revision, by Clare Hartwell. It has some interesting features on the interior, nonetheless, and will be well-loved and appreciated by those who worship there.
- 4) The building consists of a nave, with aisles to the north and south, with single roofs, a comparatively short chancel, with an organ chamber set at right angles on the north, and single-roofed vestry to the south; there is a tower and broach spire located at the west of the south aisle, and the main entrance is at the west end of the same aisle, with a toilet facility adjoining. The roofs on the nave, and the aisles are both high and steep, as photographs demonstrate. The nave gutters appear to drain directly onto the aisle roofs, and the aisle gutters apparently are served by only two downpipes. To a layman, it seems as if large areas of roof are poorly served by the drainage system, which is scarcely adequate to clear heavy rainfall quickly and efficiently.
- 5) The PCC unanimously, approved the work at its meeting on 11th July 2019 by a vote of 10 - 0, out of the total membership of 15.
- 6) The DAC had previously considered the proposals at its meeting on 29th April 2019, and *Recommended* them for approval by the Court. They considered this was a Rule 9.9 case so that under the Faculty Jurisdiction Rules 2015, notice of the proposals had to be placed on the diocesan website, which was done on 12th September.
- 7) Public Notices were exhibited between 8th May and 7th June.
- 8) In neither case was any objection raised.
- 9) **Consultation** had been undertaken prior to the DAC making its decision, as required by the Rules. The DAC had recommended it take place with **Historic England**, the **local planning authority** and **The Victorian Society**. The petition, which post-dates the DAC meeting, indicates an intention to consult the Society for the Protection of Ancient Buildings ('SPAB') in addition, and it is explained that SPAB had submitted an 'opinion', to which the church architect had produced a response, together with a letter from A J Restoration from 2017, and documentation from Hargreaves Foundry Group relating to the expected lifetime of cast-iron. This they put at 40-50 years if suitably protected from weather by a protective coating consisting of primer, undercoat and topcoat. (This is less in terms of years than other figures given in the papers, which reach 100 years). SPAB had itself responded to the architects' letter.
- 10) **Statement of Needs**: this described the need for the work as urgent, as damage was being caused to the church fabric because of rainwater penetration. It describes the present cast-iron as being made up of lengths of approximately 1m, with overlapping joints, The guttering sits directly on the eaves courses, both at nave level, and again to collect water draining from the aisle roofs. There is little or no appreciable fall to the gutters, so water tends to stand, rather than drain away. The joints are prone to leakage, staining the walls below. The gutters are rusting in many places. In a recent report the architect

advised that a thorough overhaul was required, with re-forming of joints or entire replacement. The PCC has plainly opted for the latter. Access to the gutters is particularly difficult, without removal of parts of the roof.

- 11) A contractor who was engaged following the QI in 2015 to carry out remedial work on the roof, was of the view that expansion and contraction of the short lengths of cast-iron guttering rendered the overall system vulnerable to further leakage, and advised the parish of the availability of continuous lengths of aluminium guttering. This is available in a similar ogre profile, and can be supplied in a black anodised finish. It is much cheaper than cast-iron, (and, I might add, considerably lighter and easier to lay), and the long lengths will eliminate many of the joints, which are the weak point in the layout. There are a number of trees nearby, whose leaves tend to clog the guttering in autumn, and they cannot be safely and conveniently cleared by lay members of the church, because of the heights and positioning required. Overflowing rainwater can get into the top of the walls, so it is proposed to lay a dpc to the underside and rear of the new guttering. Over the years, water has entered the building in various places, thus revealing localised problems, and work to remove and replace damaged plasterwork has been necessary. Among other problems, excess moisture causes parts of the stonework around windows and elsewhere, to degrade and crumble into sand, and occasionally to cause larger pieces of stone to fall.
- 12) The proposals seem straightforward, and soundly based. The consultation process was perhaps somewhat surprising in its results. **Historic England** did not consider the proposals needed to be notified to them, as stated in an email of 5th March. **Amber Valley Borough Council** (the local planning authority) responded on 11th April and considered the aluminium guttering and type of slate (for making good the roof) that were proposed, were considered acceptable in principle. Listed building consent would be needed unless the ecclesiastical exemption applies, which of course it does, and the works did not constitute a material alteration, necessitating an application for planning permission. **The Victorian Society** emailed on 18th March, regretting the loss of the 'historic cast-iron rainwater goods', but indicating they did not wish to raise a formal objection. They were 'content to defer to the DAC and the SPAB (the latter for the strength of its technical advice in such matters).'
- 13) This was a reference to a response dated 12th March from **SPAB** from their casework officer, Joanne Needham (see below). SPAB was not a body that the DAC had advised should be consulted, and was only included in the petition as one of the proposed consultees under the Rules, because the Society had on 12th March already responded to some notification of the proposals that had come to their attention. Possibly the system of consulting the national amenity societies under the Rules (both SPAB and The Victorian Society falling within that category), has varied somewhat from diocese to diocese in the past, with either the petitioners or the DAC identifying who was to be consulted (subject to any direction from the Registrar or Chancellor, of course). Who actually did the notifying certainly varied, perhaps even from one application to another. I know Chancellor Hill QC in Leeds has had occasion to complain that this was not part of the work of the DAC Secretary.
- 14) However, comparatively recently (within the last couple of years or so), I believe things changed again, when applications were notified to JCNAS - the Joint Committee of National Amenity Societies - rather than to specific amenity bodies. The Societies who believed they were potentially most involved in the specific application, would respond to the extent they felt circumstances warranted. The Societies took the initiative in who responded and to what extent, rather than the petitioners indicating who should respond by specific notification to, or specific invitation being made with Societies they chose to contact, perhaps with guidance from their own architects, or from the DAC. The Societies now had the opportunity to review all applications for faculties, and decide if an application was or might be their concern. This seems to have happened in this case, and **SPAB** has intervened. (It may be the whole process of consultation has been further refined by the Amendment Rules that have passed General Synod and, I believe, are due to come into force during 2020).
- 15) **SPAB** said in their email of 12th March that 'owing to the age of the building and fabric, the Society would normally defer to our colleagues at The Victorian Society....We note however the reasons for the proposed works arise from technical challenges..... in respect of leaking rainwater goods and water penetrating into the interior.' They wondered if they could offer some technical assistance that might be helpful. They asked for further photographs to be supplied, the nature of which they spelled out. Dr Connell, one of the petitioners, supplied some.
- 16) As a result, Joanne Needham on 2nd April suggested the petitioners make contact with the SPAB's technical advisers for further discussion. SPAB would encourage the church to retain the existing cast-iron gutters, which, if properly repaired and well maintained, would have a far greater life span than the proposed aluminium. An experienced blacksmith should be able to repair the gutters by welding, or

caulking and bolting the end seals tight and this should enable the gutters to function well for many years to come’.

- 17) It is right to say that the architect members of the DAC were hesitant about the aluminium, notwithstanding the Notification of Advice eventually given, as they felt it was ‘flimsy’ and that cast-iron was a better choice long-term. It was recognised that the cast-iron needed periodic maintenance of the joints. I am told there was some lively discussion of the merits of cast-iron and cast- and extruded aluminium at the DAC.
- 18) Smith and Roper responded to the DAC Secretary about SPAB’s suggestions on 11th April. I understand SPAB has seen this. The architects provided more details of the history, opining that SPAB had not seen the condition of these gutters. A J Restoration had done work to the gutters on three occasions in the previous 15 years, and other contractors had also been involved. In 2016 A J Restoration had advised the gutters would need to be replaced within 10 years; work on re-sealing done then (in 2016) would be likely only to last 2 or 3 years. The architects pointed out the difficulties of access, especially to the nave gutters, which required a cherry-picker or scaffolding. The ‘re-decoration’ of cast iron is recommended every 10 years as a minimum - by this, I believe they mean the initial application of primer, undercoat and topcoat, and at regular painting thereafter - and pointed out the difficulties of accessing the rear face and underneath of the gutters; the aluminium guttering would not require this maintenance, which was costly. They accepted cast-iron had a life span greater than aluminium, up to 100 years, but pointed out that if the guttering was original to the building, it was already 150 years old. They were advised the aluminium should last 50 years.
- 19) Smith and Roper expressed surprise SPAB had shown interest in St Paul’s as they were predominantly interested in buildings pre-dating 1702 (quaere 1720 - see paragraph 20) - which St Paul’s clearly is not. I have to say that my own belief about their area of interest, was similar to the architects’, although having considered their website, I have not found a reference to that date.
- 20) SPAB were given the opportunity to become formal objectors which they declined in an email of 11th November, but I am required to take their views into account. Joanne Needham adds that while SPAB tends to concentrate on buildings and fabric pre-1720 (sic), this was a self-imposed date and they felt they could offer helpful technical advice in this case.
- 21) I have consulted the materials that SPAB have on-line, and been impressed by the conservation-repair philosophy they have espoused, in line with the aims of their founders, William Morris and the architect, Philip Webb.
- 22) **Discussion:** I do not consider an analysis of this application in line with the Duffield Questions is necessary or helpful. I have kept the principles enshrined there in mind. Even SPAB accept that cast-iron rainwater goods have a finite life-span even with good maintenance. If these items are contemporaneous with the church, they have reached well beyond that expected (100 years at best) despite previous maintenance perhaps being less than totally ideal for financial reasons. If they are a lot newer than that, they appear to have had a good run, as a result of frequent attention over the last 15 years or so, and seem to me to have reached a point where replacement is warranted. Of course, if they are not contemporaneous with the church, the main argument for their retention that has been put forward, does disappear. I am satisfied that the aluminium proposed will appear very similar, and will not require the same amount of repair and maintenance, including painting. The addition of a dpc will hopefully enable the guttering to do its job more effectively.
- 23) The cost of this work is very considerable, and clearly requiring the use of cast-iron guttering would push the £50000 even higher. While the use of traditional materials can sometimes be reasonably required, despite a parish’s wishes, rather than less expensive substitutes, this is not such a case in my view. The costs of maintaining buildings is potentially always a heavy burden on congregations and Grade II churches can be less likely to find assistance from elsewhere than those of Grade I or II*. The parish must be aiming to secure a weatherproof and sound building for years to come, without further expenditure on dealing with rainwater. This seems to me a scheme that is likely to achieve that worthwhile aim. I am not persuaded there are substantial reasons that go the other way. At best the parish would have cast-iron guttering of some real age, that would still need costly and frequent maintenance.
- 24) I approve the proposals in the petition, and a faculty will issue accordingly. The petitioners may have 12 months to complete the work.

John W Bullimore
Chancellor
18th November 2019