

**IN THE CONSISTORY COURT OF THE DIOCESE OF COVENTRY**

**In the matter of Church Lawford : St Peter**

2019-033609

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**JUDGMENT**

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1. By a petition dated 8<sup>th</sup> April 2019, the Rector and Churchwardens seek a faculty for the replacement of lead with terne-coated stainless steel on the South aisle and Vestry roofs of St Peter's Church in Church Lawford.

The proposed works

2. St Peter's Church is a Grade II listed building. It was apparently rebuilt in 1872 by W. Slater and R.H. Carpenter (largely at the expense of the Duke of Buccleuch, I am informed) to substantially replace a sandstone Church built in 1393.

The Church has suffered from lead thefts in the past and already has a terne-coated roof over the North Porch. In 2013 a similar petition was not supported by the members of the Diocesan Advisory Committee and the Chancellor granted permission only for on-going repair in lead. These repairs were completed in March 2014. By May 2015 the roof was again leaking and the roofing repair company utilised by the Parochial Church Council recommended replacement of the roof with Terne-Coated lead (see paragraph 3). In November 2016 the Quinquennial Inspection Report of Simon Bird, RIBA, supported the view that the roof was reaching the end of its life. The architect suggested "*given lead theft to this Church and in the area and that this is not the prominent elevation of the Church that thought be given to a replacement in Terne-Coated Steel*". The same architect has subsequently drafted the detailed specifications and plans for the proposed works. In the statement of needs the petitioners note that "*new leaks had developed, largely caused by the*

*lead splitting along seams and folds as a result of movement caused by expansion and contraction. Fortunately it has so far been possible to seal these, and most subsequent leaks, by the application of an appropriate mastic, so there is only slight water ingress at this time. The situation has been helped by lower than average rainfall in the past year, although it is of concern that the latest leak is in the vicinity of the organ, which could be seriously damaged by water penetration”.*

#### Report on condition of roof - May 2015

3. In May 2015 a representative of Full Metal Roofing (used by the Parochial Church Council to repair the roof on several occasions) carried out an inspection to identify the cause and solution to numerous leaks in the South Aisle roof. The inspection report stated the following : *“We were asked to investigate a number of leaks which keep occurring on the South Aisle roof. This roof has been repaired a number of times by our company and this seems to fix the problem temporally but new leaks keep appearing. On inspection of the South Aisle roof it was found that the lead has come to the end of its service life; it is over 100 years old and it would be uneconomical to keep repairing the lead splits, with new ones appearing all the time due to the natural movement of the lead. It is our recommendation that this roof be replaced. To replace the roof with new lead would mean redesigning the roof to split the lead into 2 equal trays from front to back as the current lead sheets are oversized (one reason why they are splitting) this would mean building the roof so it has a step-up in the middle. This is the most costly option. The other alternative would be a standing seam roof using Copper/Zinc/Terne Coated Steel. The advantage of using this method would mean the roof could keep its current design and no need for the step-up in the middle, it would cost less to replace than lead, plus nobody would want to steal a zinc roof because it has little scrap value.”*

#### Consultative bodies

4. The proposals were forwarded directly to the Church Buildings Council, the Victorian Society and Historic England. The CBC did not respond. The Victorian Society determined that it was not necessary to make any comment about the proposals. However, on 17<sup>th</sup> April 2019 Nicholas Molyneux, the Principal Inspector of Historic Buildings and Areas for the local branch of Historic England, raised objection to the use of terne-coated steel in this

proposal. Mr Molyneux stated : *“in this case there does not appear to be a particularly strong argument in terms of the need to replace the existing lead roof with another material such as terne coated steel. In general we are not in favour of the pre-emptive replacement of the historic material, particularly not on such a visible roof. We would refer you to our guidance on the issue of metal theft which can be found on our website at:*

<https://historicengland.org.uk/images-books/publications/metal-theft-fromhistoric-buildings/heag128-metal-theft-historic-buildings/>

*As stated there our policy is that we would always prefer to see a lead roof replaced with lead unless there are compelling reasons for change. We presume that following the other lead thefts at this church they have put in place appropriate security measures in so far as that is possible. An argument is made that replacing in lead will be more expensive in this case than usual due to the need to change the profile of the roof to accommodate current best practice. The advice I have had from architect colleagues is that it should not be difficult and could be achieved at a relatively modest cost with little in the way of visual impact.*

*So, our position is that without further and stronger justification (as set out in our guidance) we would not be in favour of this proposed (pre-emptive) replacement of the lead roof on the south aisle.”*

#### Diocesan Advisory Committee advice

5. On 4<sup>th</sup> April 2019 the petition was considered by the members of the Diocesan Advisory Committee. A notification of advice was issued on 8<sup>th</sup> April 2019 whereby it was indicated that the Committee recommended the proposal for approval by the Court.

#### Public Notice

6. Following the advice of the Diocesan Advisory Committee a public notice concerning the Petition was displayed at St Peter’s Church from 12<sup>th</sup> April to 12<sup>th</sup> May 2019. No objections have arisen following the display of that notice.

#### Directions

7. Given the opposition by Historic England, on 21<sup>st</sup> May 2019 I made directions requiring the Petitioners to provide in writing any response to the issues raised by Historic England (in fact, unbeknown by me, the Petitioners had already been asked to respond by an Officer of the Diocesan Advisory Committee,

which they did on 20th May 2019). I had already directed that by no later than 26<sup>th</sup> July 2019 Historic England should respond, if they wished, to the further comments of the Petitioners. I am informed that no response has yet been received at the Diocesan Registry.

Both the Petitioners and Historic England were asked to voice any opposition to this matter being determined ‘on the papers’ by 26<sup>th</sup> July 2019. The Petitioners assented to determination on the papers by a letter dated 28<sup>th</sup> May 2019. I am informed that no response has yet been received at the Diocesan Registry from Historic England. I therefore deem that it is appropriate to proceed without convening a full hearing.

#### Response by the Petitioners

8. The Petitioner’s response to the comments of Historic England was written by one of the Churchwardens, Howard Parvin. He commenced *“I am disappointed but not surprised by the comments from Historic England; indeed I can understand that they would follow that policy given that their primary objective is to preserve listed buildings in as close to the original state as possible”*.

Mr Parvin then expanded upon the proposal as follows, *“I consider that [the] response downplays a number of key issues when they say there is not a strong case for replacing the lead in Terne-coated steel. They appear largely to dismiss the risk of theft, saying that they assume we will have put appropriate security measures in place following previous thefts. We have put in such measures as we could, but these are necessarily limited given our lack of resources, and the isolated location of the church building. . St Peters has suffered from lead thefts in the past and there have been numerous recent incidents of serious lead theft from neighbouring churches. The police no longer respond to call outs unless intruders can actually be seen on the premises and the insurance company has set a limit on the compensation they will pay out in the event of theft; that sum would be totally insufficient to effect proper repairs. In such circumstances it seems to me that the most effective security measure is to remove the temptation by replacing the worn out lead roof with a metal less attractive to thieves but which would look virtually identical. Historic England also consider that altering the roof profile would be relatively inexpensive and have little visual impact. However, their architects have clearly not visited the site since they refer to “such a visible roof”. In fact the south aisle roof is not at all visible from the road or from neighbouring properties. It is at the rear of the Church and can only be seen from . . the far*

*side of the churchyard, beyond which there are only arable fields. In the circumstances a Terne coated steel roof following the existing roof profile would have much less visible impact. In terms of cost . . . the cost of a new lead roof with an altered profile is very considerably greater than that of retaining the existing profile and Terne coated steel.”*

#### Specific matters for consideration

9. In considering this matter it seems conceded by all that the existing lead roof on the south aisle and above the vestry has reached the end of its useful life. A water-tight roofing, in keeping with this grade II listed building, needs to replace the current material. As those representing Historic England have referred to the booklet ‘Metal Thefts from Historic Buildings’ I have reminded myself of the contents of that document. I note that there is an endorsement of terne-coated stainless steel as an alternative to lead, if absolutely necessary (“*Where the risk of further theft is too high, for example where there has been a serious theft, or repeated minor attacks, it is not reasonable to expect like-for-like replacement. We would normally recommend that the most appropriate alternative would be a long-term durable material with a known standard of performance, such as terne-coated stainless steel*”).

It is of note that the use of lead as a replacement material for lead roof is described as follows; “*A roof that has been covered in lead for centuries was probably designed specifically for that material and it is therefore the best choice for recovering. Changing the material could detract enormously from a building’s significance and make it functionally less efficient. This is why Historic England starts out with the position that like-for-like replacement is highly desirable.*” There is a fairly significant comment within that entry, that it is assumed lead is the best material for the roof in question. In fact, in this case there is information before the Court that shows lead is not the most suitable material for the roof as currently configured (presumably since 1872). The use of lead to re-cover this roof would necessitate change to the profile of the roof itself by adding a step to follow modern best practice for the use of lead roofing. No such alteration would be required for the use of Terne-coated stainless steel.

In the guidance document Historic England has also addressed the pre-emptive replacement of lead roofing, as follows : “*We will not support the pre-emptive removal of lead from roofs not affected by theft, unless there are exceptional circumstances. For example, where a lead roof on a church has reached the end of its life (as proven in the Quinquennial Inspection), the church has been subject to previous thefts and the risk of further theft is too*

*high, we may support the removal and replacement of lead with an appropriate alternative material.”* As regards the South aisle roof at St Peter’s Church, both the Quinquennial Inspection report and a separately commissioned roof condition report have shown that the current lead roof has reached the end of its useful working life. The Church building has previously suffered from lead thefts, such that the North porch roof has already been replaced with terne-coated steel, and there are considerable risks of further lead thefts from a roof facing away from the nearest road in an isolated rural location.

Determination

10. In all the circumstances of this matter I conclude that the Petitioners have shown good reason for the replacement of lead with terne-coated stainless steel. The roof covering needs to be replaced, so it is at this stage the Petitioners have looked to an alternative material. It is certainly not the circumstance that the Petitioners seek to replace a serviceable lead roof simply because they fear future theft. I see no justification in requiring the petitioners to go to the expense of having the shape of this roof changed simply to accommodate lead as a roofing material when an acceptable alternative material would not require any change to the profile of the roof.
  
11. I direct the grant of the faculty as sought in the light of the reasons set out above. Several conditions will be applied to the faculty.

**Conditions to be applied to this faculty**

1. The petitioners will make best efforts to obtain revenue from the disposal of the lead removed from the South aisle and vestry roofs, such monies raised to be applied to parish funds ;
2. That any historical markings found upon the remaining lead to be replaced are carefully removed and, if possible, affixed to the terne-coated stainless steel.
3. That no works shall commence until the Petitioner has obtained confirmation in writing (an email will suffice) from an appropriate officer of the Local Planning Authority:-
  - (a) that in her/his opinion planning permission will not be required; or
  - (b) that planning consent has been granted.
4. That before any works are performed the Church Insurers are informed of the dates when the works will be carried out and that any reasonable condition concerning security and scaffolding during the currency of the

works is complied with (and in the case of dispute over such conditions the matter shall be returned to the Court for further directions)

5. That details of all works performed shall be recorded within the Church log-book within a month of the completion of the works.

Glyn Samuel  
Deputy Chancellor  
29<sup>th</sup> July 2019.