

## **IN THE CONSISTORY COURT OF THE DIOCESE OF LICHFIELD**

### **FENTON: CHRIST CHURCH**

#### **JUDGMENT**

- 1) Christ Church Fenton is a late Victorian church (albeit with some earlier elements) with a Grade II listing. The community served by Christ Church is far from affluent and those holding office in the parish have to minister to that community and to maintain the building of Christ Church with limited resources.
- 2) The church's roofs were originally covered in lead. Sadly it has proved to be particularly vulnerable to lead thieves. The lead roofing of the South Aisle was all stolen some time ago and that roof is now covered in terne-coated steel. The lead roofing of the Lady Chapel was also all stolen and that roof is now covered in felt.
- 3) The current petition (brought by the Vicar and churchwardens) concerns the roofing of the North Aisle. The most recent theft from this roof was in April 2012 and the current position is that lead has been removed from approximately two-thirds of the roof. Some lead remains but the rest of the roof is covered in felt.
- 4) The Petitioners seek to remove the existing lead and to cover the entirety of the North Aisle roof with Sarnafil although leaving the lead box gutters and flashing.
- 5) In its Guidance Note "Alternative Roofing Materials to Lead" the Church Buildings Council describes Sarnafil as "a Flexible Polyolefine (FPO) single-ply membrane with a 200 g/m<sup>2</sup> polyester fleece laminated to the underside, designed to be fully adhered to the substrate" and add that "It is certified by BBA to have a life expectancy in excess of 25 years." It is to be noted that the Guidance Note while identifying Sarnafil as a potential roofing material does not recommend its use. Mr. Capper, the Church Architect of Christ Church, explains that Sarnafil has a smooth finish and a

grey lead appearance. He proposes that the installation here should include the insertion of wood core rolls within the roofing to give the appearance of lead and the sub-division of the roof to mask unevenness in the covering.

- 6) The Diocesan Advisory Committee has recommended approval of the Petition. It states that the roof concerned is “*not prominent in any key views*” and that as a consequence it would not oppose the use of Sarnafil in this instance. The roof of the North Aisle is not visible from ground level but can be seen from the upper floors of nearby buildings (Mr. Capper refers to the neighbouring Magistrates’ Court as an example of such a building).
- 7) There was no objection to the Petition and no response to the advertisement placed in a local newspaper. There has been no comment from the Local Planning Authority nor any formal response from the Victorian Society. Alan Taylor has explained the stance of English Heritage in relation to the Petition. That body accepts that the roof of the North Aisle is “*very vulnerable to the risk of repeat attack*” and so it reluctantly accepts the use of an alternative material other than lead. The first preference of English Heritage would be for the use of terne-coated steel. However, it would be prepared to countenance the use of Sarnafil as a temporary and reversible solution. Mr. Taylor then suggests that any faculty should be “*time limited to 10 years at maximum to ensure that attention remains focussed on a permanent and long-term solution in a historically appropriate material as soon as practicable.*” This view is echoed by Andy Foster on behalf of the Amenity Societies.
- 8) On behalf of the Petitioners Fr. David Cameron, the Vicar of Christ Church, resists the imposition of a time limit saying that the parishioners would not intend to be repeatedly replacing the roof.
- 9) It follows that there is considerable common ground. All are agreed that it is appropriate to replace the lead and felt currently covering the North Aisle roof. All are also agreed that the best solution would be terne-coated

steel but that Sarnafil is an acceptable alternative at least in the short-term. I also agree with that analysis and so I need not address in detail the step by step approach recommended in Duffield: St. Alkmund. The issue here is whether the faculty authorising the use of Sarnafil should be time-limited so as to bring about re-roofing at a date sooner than the expiry of that material's natural life span.

10) The consequences of lead theft and the debate as to suitable alternative roofing materials have been addressed by a number of my fellow chancellors. In particular substantial judgments have been given by Hill Ch (Bexhill: St. Michael and All Angels – Chichester Consistory Court November 2011); Mynors Ch (Bromsgrove: St. John the Baptist – Worcester Consistory Court December 2011); and Commissary General Ellis (Eastry: St. Mary the Blessed Virgin – Canterbury Commissary Court November 2012). However, a rather different question arises in this case from those considered by my brethren. As explained above all are agreed that in the particular circumstances of this church the application of Sarnafil is appropriate and the issue is whether to limit its retention on the roof to a period expiring before the time when there will be a physical need for replacement. I note that the faculty granted in the case of Eastry: St. Mary was limited to a period of five years. However, the circumstances there were markedly different from those with which I have to deal. In that case Ubiflex had been applied to the church roof without a faculty. It was clear that Ubiflex was not regarded as being a suitable covering and it was in those circumstances that the faculty permitted its retention for a strictly limited period.

11) I have to take account of the very substantial benefits of lead and of terne-coated steel as roof coverings. Those benefits are both aesthetic and practical. The practical benefits stem from the proven longevity and effectiveness of those materials. They combine with the aesthetic benefits in that roofs covered in lead were typically designed to be so covered and will both look better and be better protected if covered in lead or a similar material. It follows that the Consistory Court should be alert to those

benefits; should seek to promote the use of such materials; and should be cautious where the use of an alternative material is proposed.

- 12) I also have to take account of the need to avoid unnecessary and wasteful expenditure. This is an aspect of the appropriate stewarding of resources. There are times when the Court will require expenditure to be incurred and shortages of funds cannot justify second-rate or inadequate solutions particularly in relation to listed churches. Nonetheless, caution is to be exercised in making orders which would require expenditure when this would not otherwise be necessary.
- 13) The competing contentions can be summarised shortly. Implicit in the stance taken by English Heritage and the Amenity Societies is the contention that Sarnafil is a second-best solution to the roofing needs of this church. That second-best solution should only remain in place for a limited period and, it would be said, the proposed period of ten years allows ample time for arrangements to be made for a better replacement. The counter-argument is to say that if Sarnafil is an appropriate, albeit less than ideal, roofing material then it should remain in place for its natural life span with decisions taken as to replacement at the end of that time. To require its removal at an earlier date would be for the Court to cause additional expenditure which would ex hypothesi not be needed on physical grounds in circumstances where there is no guarantee that it will be possible to achieve replacement with a more acceptable roofing material.
- 14) I appreciate that English Heritage's proposed time limit is put forward in a spirit of compromise seeking to find a balance between the financial difficulties of the parish and the needs to use the most appropriate roofing material. As such it is to be welcomed. Nonetheless I have concluded that it would not be right to impose a time limit on the faculty so as to require the premature removal of the Sarnafil. The roof of the North Aisle is not readily visible and once it is accepted that Sarnafil is a potentially acceptable roof covering then it is right for that covering to remain in place for its full life span. If it is acceptable for the roof to be covered with

Sarnafil for ten years then it is acceptable for it to be covered with it for a period of twenty-five years. To place a time limit on the faculty would be to require roofing material which would be structurally sound for a further period of time to be removed and replaced. That would be wasteful and such waste cannot be justified in relation to a roof which is not readily visible and where steps are to be taken to cause the roof's appearance to approximate as closely as possible to that of a lead-covered roof.

15) Accordingly, the Sarnafil is to remain in place for its natural life. I have considered whether to impose a condition requiring the Petitioners and their successors to put in place arrangements to plan for the roof's replacement and to ensure that funding is in place to permit the use of lead or steel. I have decided not to do so given that the replacement of the roof might well be more than twenty-five years away. In that period of time the financial circumstances of the church and the qualities and price of the appropriate roofing materials might change radically. I cannot be confident that such a condition imposed now would meet the future needs of the church. Similarly it would not be appropriate at this stage to impose a condition as to the material to be used when the time comes to replace the Sarnafil roofing. The question of the roofing material to be used at that time will be one to be considered by the Consistory Court in the light of the circumstances prevailing then.

STEPHEN EYRE  
CHANCELLOR  
1<sup>st</sup> January 2013