

Claim:

In the County Court of

Mr Simon

And

Mr

**CPR Part 35 Expert Report
by SJM Butler, MRICS**

**Leaking Roof/ Chimney Junction
Daventry Street**

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Steve Butler Chartered Surveyors

1.0 Instruction

- 1.1 To prepare an expert report on the single instruction of Mr with a view to resolving a dispute in connection with a leaking roof and chimney juncture following reconstruction of the chimney by Mr

2.0 Qualifications

- 2.1 I am Steven John Macgregor Butler, a Member of the Royal Institution of Chartered Surveyor trading as a sole practitioner. I qualified in 1992 and have twenty years experience of surveying residential and commercial properties.

3.0 Background to the Dispute

- 3.1 The property is detached Victorian house and outbuildings at Daventry Steet . It fronts the Daventry Street in otherwise open countryside and is very exposed to winds from the south west. A general view of the property is shown by Photograph 1.

- 3.2 The accommodation comprises of:

Two reception room, two ancillary rooms and a kitchen and porch extension.
Landing, three first floor bedrooms and bathroom.
Interconnecting attic rooms

The accommodation is currently undergoing extensive reconstruction.

- 3.2 Mr advises that he entered into a contract with Mr to demolish and reconstruct two brick chimney stacks in October 2012 with associated replacement of the metal weather proofing, pots and necessary work to adjacent roof tiles.
- 3.3 Following completion and payment for the work Mr has discovered that on occasions when there is driving rain or snow that the junctures of both of the chimney stacks and roof leak. Mr Galt advises that junctures with both chimneys leak to such an extent that water is entering the attic rooms and making its way through the floor to the rooms below. The face of the chimney breast and nearby structural timbers are also becoming saturated. The junctures however do not leak when the rain is falling vertically no matter how heavy.

4.0 The Inspection

- 4.1 The property was inspected on the morning of 13th May 2013.
- 4.2 The entry of water is randomly determined by wind conditions it could thus not been seen when active without visiting the property numerous times.

- 4.3 The main property is approximately rectangular. It has a two faced pitched roof with clay tile coverings. The estimated slope of the roof is between forty and forty five degrees.
- 4.4 Two brick chimney stacks that have obviously been constructed in recent months are situated at the apex of the roof, one at the approximately centre and the other at the northern end of the roof.
- 4.5 The exterior of the chimney at the northern end of the roof weather proofing and adjacent tiles could only be inspected from ground level with binoculars. No deficiencies were apparent. Photograph 2
- 4.6 The south west side of the central chimney could be inspected from a nearby roof light that is in close proximity. Photographs 3. It was noted that two of tiles close to the chimney do not sit correctly. They rest on adjacent tiles so that that there are small gaps at the sides of the tiles under which water might be blown in extreme conditions. No other deficiencies were apparent. Photograph 4
- 4.7 The other sides of the central chimney could only be inspected from ground level with binoculars. No deficiencies were apparent.
- 4.8 Inside the roof void the abutment of the northern chimney to the roof covering are obstructed by rafters and the junctures cannot be seen. The lining sheet on the underside of the tiles passes on top over the rafters adjacent to the chimneys, but exactly how it terminates adjacent to the chimney cannot be seen. Photograph 5.
- 4.9 The abutment of the northern side of the central chimney to the roof surface is also obstructed by rafters and the junctures cannot be seen. The lining sheet on the underside of the tiles passes on top over the rafters adjacent to the chimneys, but exactly how it terminates adjacent to the chimney cannot be seen. Photograph 6.
- 4.10 The nearest rafter to the southern side of the central chimney is some distance away from the face of the chimney. The lining sheet has not been secured to the side of the chimney and hangs down the nearest side of the rafter to the face of the chimney. Photograph 7
- 4.11 The failure to secure the lining to the face of the chimney is substandard. It is usual to turn the edge of the lining up against the face of the chimney and secure it by trapping it in place with the metal weather proofing. The continuation of the lining is important on roofs that are in exposed locations as it reduces the wind blowing through the roof and thus its ability to carry moisture or snow through any gaps in the slates. It also as a secondary function catches any moisture or snow that might succeed in entering through the tiles.

4.12 It is possible to see part of and feel the remainder of the projection of the metal weather roofing from the chimney underneath the adjacent tiles. The projection is estimated to be 100mm which is considered to be satisfactory. There is no evidence that the metal is fractured.

5.0 Conclusion:

5.1 In the absence of any other defects it is considered that the failure to secure the lining sheet to the southern face of the central chimney stack is the cause of the snow and water ingress in extreme conditions.

5.2 Whilst close inspection is not possible it is considered likely that similar deficiencies exist on the other faces of the central chimney stack and the northern chimney.

5.3 In order to remedy the problem the lining sheets secured to the faces of the chimney stacks.

6.0. **Statement of Truth**

6.1 This report is prepared in accordance with the Royal Institution of Chartered Surveyors Expert Witness Practice Statement.

6.2 I, Steven John MacGregor Butler, declare that:

i. I understand that my duty in providing written reports and giving evidence is to help the Court, and that this duty overrides any obligation to the party who has engaged me, or the party who has paid or is liable to pay me. I confirm that I have complied with this duty and will continue to comply with this duty.

ii. I confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.

iii. I have endeavoured to include in my report those matters which I have knowledge of or which I have been made aware that might adversely affect the validity of my opinion. I have clearly stated any qualifications to my opinion.

iv. I confirm that I am aware of the requirements of Civil Procedures Rule 35, Practice Direction 35, of the Civil Justice Protocol for the Instruction of Expert to Give Evidence in Civil Claims and the Practice Direction on Pre-Action Conduct.

- v. This report has been prepared in accordance with the Code of Practice for Experts.
- vi. I have indicated the sources of all information I have used.
- vii. I have not, without forming an independent view, included or excluded anything which has been suggested to me by others (in particular my instructing lawyers).
- viii. I will notify those instructing me immediately and confirm in writing if for any reason my existing report requires any correction of qualification.
- ix. I understand that:
 - a. my report, subject to any corrections before swearing as to its correctness, will form the evidence be given under oath or affirmation.
 - b. I may be cross-examined on my report by a cross-examiner assisted by an expert.
 - c. I am likely to be the subject of public adverse criticism by the Judge if the Judge concludes that I have not taken reasonable care in trying to meet the standards set out above.
- x. I confirm that I have not entered into any arrangements where the amount or payment of my fees is in any way dependant upon the outcome of the case.

Signed

SJM Butler

Dated

17th May 2013

Appendix 1 – Photographs of the defects



Photograph 1: General View of Daventry Steet



Photograph 2: The northern chimney viewed from the South West.



Photograph 3: The central chimney viewed from the South West



Photograph 4: Tiles adjacent to the central chimney that are not sitting correctly viewed from the South West.



Photograph 5 The face of the North Chimney



Photograph 6 The northern face of the central chimney

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Photograph 7 The southern face of the central chimney