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Ms R Patel
18 Silverthorne Close
Stalybridge
Cheshire
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Dear Ms Patel,

Opinion on roof and other works
@ Hanover Cottage, 81 Simmondley Village, Simmondley.

Further to my site visit with your builder Mr Collier on 14 April 2011, I would make the following comment:-

- 1) The flat stone protrusions ('Thak Stones') built into the gable walls of the adjoining properties have been cut off flush with the walls. The use of such stones pre-dates the general use of lead sheet 'flashing' in an attempt to prevent water ingress at the butt joint of lower level roofs with dividing walls between properties.
- 2) There was cracking in the bed joints of the external dressed stone masonry of the much higher gable of 'Rose Cottage' at the front and rear party corners.
- 3) There was cracking in the slightly higher gable of the coursed stone masonry of 'The Homestead' at the rear party corner.
- 4) Internal inspection of the construction of Hanover Cottage revealed that it was once one single building with 'The Homestead'. However, since being divided 'The Homestead' has benefited from the construction of a two-storey extension which wraps around the rear of 'Hanover Cottage' obscuring what were once rear windows adjacent the staircase.
- 5) It is possible that the front wall of 'Hanover Cottage' has been extended outwards at the same time that the building was divided into two and the roof line of 'The Homestead' raised slightly giving rise to the need of 'Thak Stones' in the party wall on that side.
- 6) The date stone on 'Hanover Cottage' is 1719 and it has a grade II listing. Following enquiries made of your neighbour Ms Brierley she believes her property 'Rose Cottage' to have been built fifty years later. The upper portion of the party wall to 'Rose Cottage' is of much finer quality than the original gable of 'Hanover Cottage' on which it sits.

- 7) The depth of the insertion of the 'Thak Stones' is unknown. However, it is likely that it matched the depth of their protrusion at least to prevent them falling out under their own self weight. They protruded 75mm to 100mm so I believe it is fair to say they were embedded an equal amount, possibly more.
- 8) Having inspected the cracks in the front and rear gable corners of 'Rose Cottage' I believe them to be long standing and not wholly caused by the actions of your original builder when cutting off the 'Thak Stones'. Obvious earlier remedial pointing, weathering of the crack faces and the presence of cobwebs and other detritus within the cracks witness this. In addition, I believe that part of the gable corner has been rebuilt in the past above the eaves line to the ridge as the stone work appeared to be miss matched to the rest of the gable and the corner stones, which are thinner and do not course in.
- 9) The lower portion of the party wall between 'Hanover Cottage' and 'Rose Cottage' is of thinly bedded coursed stone facing, probably with a rubble hearting. The coursed stone is laid virtually dry with very thin bed joints. What mortar remains is perished. This construction is mirrored on what is now the party wall between 'The Homestead' and 'Hanover Cottage'. However, the central dividing wall in 'Hanover Cottage' itself is of different construction with larger semi-coursed stones bedded in mortar and containing jump courses. There are numerous attempts at patch repair in all the walls. There is a predominantly vertical crack beneath the front purlin on the party wall with 'Rose Cottage' and other similar cracks on the internal dividing wall and party wall with 'The Homestead'.
- 10) It was noted that the rafters on 'Hanover Cottage' were rectangular section and machine cut but the purlins were older irregular shaped reclaimed sections.
- 11) It was noted that the flag floor of 'Hanover Cottage' had been taken up and a shallow excavation undertaken in preparation for the renewal of the floor to modern standards.

Conclusion

Proposed works

Even without investigating the true ownership of the 'Thak Stones' or the position of the boundary line (which could quite easily switch from one face of the party walls to the other at the 'Hanover Cottage' roof line), it is my belief that an attempt to install new 'Thak Stones' would do more harm than good, particularly on the 'Rose Cottage' side. As I have previously stated it appears that the front gable corner of 'Rose Cottage' has been subject to repair work in the past and there is evidence of further re-pointing adjacent the front eaves. It is possible that the cutting off of the 'Thak Stones' flush with the wall has caused a minor worsening of the problem. An internal inspection of the Rose Cottage wall in the company of Ms Brierley did not reveal any cracks.

It could be argued that the insertion of the original 'Thak Stones' gave rise to a sloping plane on which the mass of the external leaf of masonry above could slide over a long period of time. There was minor cracking in the weathered pointing and in one area immediately adjacent the roof slope a small section of pointing had fallen out.

The disruption caused to cut out the remains of the stones could have a further detrimental effect on the existing cracking. The full bedding and fixing of replacement stones cannot be guaranteed and the longevity of the repair would always be suspect. I would advise that lead flashing be introduced instead. This has been used in others areas of the three buildings and is not out of keeping.

The external cracking to the gables of 'Rose Cottage' and 'The Homestead' should be deep pointed to at least 25mm in a 'class iv' lime mortar but again in the long term they may require stitching with resin bonded anchors or partial rebuilding. I believe this should be viewed as part of the general upkeep of such buildings rather than any special programme.

The vertical cracks in the lower less well-constructed walls of 'Hanover Cottage' could also be strapped across but they should be monitored and a more invasive repair may eventually be required such as resin injection or even partial rebuilding.

You may have to seek the Conservation Officer's agreement to such works.

I would further advise that the rafters be positively fixed to the purlins with metal strapping.

The replacement ground floor will have to comply with current Building Regulations and will most likely be thicker overall than the flags that have been removed.

Please be advised that any subsequent further excavation that exposes the foundations may well require underpinning of the wall of the cottage and any work to the party walls will have to be with the agreement of your neighbours, not withstanding your rights under the Party Wall Act 1996 (more of which below).

You should contact your Architect and Local Authority Building Control as well as the Local Authority Conservation Officers with regard to the works to ensure compliance as far as possible with current legislation.

Party Wall Act 1996

Under section 2 (paragraph 2 a-n) of the Act you have certain rights of repair including 2(2a) to underpin thicken or raise a party structure, 2(2b) to make good and repair a party structure made necessary on account of its defect, 2(2f) to cut into a party structure for any purpose and 2(2j) to cut into an adjoining owner's wall to insert a flashing or other weather proofing of a wall erected against that wall, amongst other rights. These rights go beyond ordinary common law rights.

Section 2 of the Act paragraphs (3), (5) and (6) basically allows you to carry out the works in paragraph (2) subject to you making good any damage to the adjoining owner's property.

However, under Section 3 you should have served what is called a 'Party Structure Notice' informing the adjoining owners of your intentions and giving them the opportunity to agree with the works or serve you with a 'Counter Notice' under Section 4. There are limitations as to what a 'Counter Notice' may contain and it is not a method for the adjoining owner to dictate works, however, I suspect you would have received a 'Counter Notice' with respect to the removal of the 'Thak' Stones.

Section 5 of the Act deals with disputes and you would have been in dispute had the adjoining owner not responded positively within fourteen days of you serving your 'Party Structure Notice'.

However, I believe that you have not served a 'Party Structure Notice'. The Act does not contain any enforcement procedures for failure to serve a notice but as you have started work without your neighbour's agreement, your neighbour may seek a court injunction to stop you or seek other legal redress. Whether or not an injunction is successful is, in my opinion, dependent on your current actions. I would urge you to speak directly with your neighbours telling them your intentions and assure them that you will act responsibly, in much the same way as set out in the Act. You should put your proposals in writing to your neighbours and obtain any subsequent agreement in the same way.

I am sure you are aware but for completeness may I remind you that works should be carried out in a safe manner with regard to the requirements of the Health and Safety at Work Act. Your contractors should have current insurance cover. Any third parties visiting your property should do so under the supervision of your principal contractor and take appropriate measures to safeguard their well being.

May I thank you once again for your business.

Yours sincerely,

John E. Haines Bsc MCIQB MBEng.