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# The Construction and Extension of Church Buildings

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## 1. Introduction

Any PCC contemplating a major building project involving a new church or additions to an existing church needs to be aware of the procedures to be followed and of the main problems that are likely to arise. Careful planning in advance, while it may not prevent all unforeseeable problems being encountered later, is at least certain to reduce such difficulties to a minimum and should help to ensure that the project goes ahead as smoothly as possible. This leaflet is intended to offer advice on the whole process from the experience gained by the Diocesan Advisory Committee and a number of parishes that have faced these problems in recent years.

## 2. Statutory consents

Approvals are normally required from both civil and ecclesiastical authorities before new building work (as opposed to repairs or purely internal alterations) affecting consecrated churches can go ahead.

Planning consent will need to be obtained from the local authority, and also Listed Building Consent if the church is listed under Schedule 1 of The Town & Country Planning Acts as being of historic or architectural interest. Usually outline planning consent can be sought at an early stage, followed by a detailed consent later when the scheme has been developed in more detail. If the church is situated in a conservation area, whether or not the building itself is "listed", local authorities will normally insist on a full planning application at the outset. This will involve the architect in more work, and therefore more expense, at that stage. The advantage of applying for outline consent, where that is possible, is that it reduces the risk of abortive costs if the application should fail.

If consent is refused, an appeal can be lodged which will normally be considered by an Inspector appointed by the Department of Communities and Local Government, sometimes involving a public hearing. The parish will need to be guided by its architect before deciding upon an appeal. This can be expensive, and allowance must be made for the possibility of considerable delay before the outcome of the appeal is known.

Consent will also need to be obtained from English Heritage if the church is graded 1 or 2\*.

The ecclesiastical consent required is a faculty granted by the Chancellor. This will normally be necessary whether or not the new building is to be physically attached to the existing church, if it is within a consecrated churchyard or its curtilage. The Chancellor will require the advice of the Diocesan Advisory Committee before considering a faculty application. Parishes considering schemes of this kind are therefore strongly recommended to consult the committee *at the earliest possible stage*, preferably before their architect has begun to consider the plans in any detail, so that general advice as to possible ways forward can be given before ideas become too fixed. There may well be legal snags in a particular case (particularly if the churchyard in question is legally closed), which need to be addressed at that stage. The committee will normally arrange a visit to consider the matter on site with the parochial officers and their architect.

### **3. The Architect**

The architect will be appointed by the PCC (not by the diocesan authorities) and will normally assume responsibility for obtaining the necessary statutory consents, as well as for the design of the project and the selection and subsequent supervision of the builder. He/she will need to be thoroughly briefed by the PCC, who should reach agreement with him/her as to the design and scale of the scheme, its detailed content and quality, the cost limits and time scale involved.

It will be apparent that the choice of the right architect is of *absolutely crucial importance*. The person appointed needs to be a good team leader and negotiator as well as a good designer, and to have a practice used to working closely with structural engineers and quantity surveyors to ensure adequate detailed design and specification and reliable cost estimates during the consultation stage and later during the more detailed design stage. It will be helpful if he/she also has some knowledge and experience of the procedures involved in work of this specialised nature.

The Diocesan Advisory Committee can advise PCCs on possible names for consideration, but in the last resort the PCC must be prepared to satisfy itself about the suitability of the chosen architect. They should obtain information about similar projects for which the architect has been responsible and should visit some examples where possible. It may also be possible, by enquiry of the other parishes concerned, to find out to what extent they have been satisfied with the architect's design and whether there have been any problems subsequently.

Every parish has an architect appointed under the Inspection of Churches Measure whose duty is to carry out inspections of the building every five years and to recommend necessary repair work, but it should not be assumed that the inspecting architect is necessarily the right person to undertake major new work. Some architects have particular skills in new design, and this needs to be taken into account. If someone other than the inspecting architect is appointed to carry out new work, courtesy and professional etiquette require, naturally, that the inspecting architect be informed of the fact at the outset.

The PCC must have a proper professional relationship with its architect, and this is the more necessary if problems should arise during the course of the project. For this reason, the Advisory Committee would caution against the employment of an active member of the congregation. At the same time they do not advocate a totally "arm's-length" approach, as there needs to be a relationship of trust if the architect is to interpret the wishes of the parish faithfully and to translate these into structural form.

### **4. The Builder**

The choice of a builder is vitally important. An experienced architect with a well-managed practice should be able to submit a list of builders of good repute in the relevant type of project, and the PCC can add to this list or amend it if desired. A local firm may often be able to submit the most competitive prices and provide the best continuity of supervision, though this is by no means always the case. It may be possible for the PCC to visit other examples of the prospective builder's work, preferably of similar scale, to judge its standard.

### **5. "Design and build" firms**

This type of firm, where the functions of architect and builder are combined in a total package, may be considered. The Advisory Committee's advice should be sought in any case where a PCC wishes to consider this option.

**6. The project** falls naturally into the following three main stages:

**Stage 1** - The selection and briefing of the architect (see para. 3 above)

This stage will include the preparation of sketch plans and the obtaining of the requisite statutory consents (unless it is a case where detailed planning consent has to be sought at the outset). Under the Construction (Design and Management) Regulations 2007, a 'CDM co-ordinator' has to be appointed to advise you on projects that last more than 30 days or involve 500 person days of construction work. The CDM co-ordinator's role is to advise you on health and safety issues during the design and planning phases of construction work.

**Stage 2** - Detailed design and selection of the builder (see para. 4 above)

This stage will include site investigation and building regulations. The architect may consider the employment of a quantity surveyor or a structural engineer to be necessary at this stage. The PCC should be ready to discuss this requirement with him/her and to allow for the extra fees which will be involved. They should also clarify with the architect exactly what his/her own standard fees will cover and be prepared for any additional costs caused by "extras" (e.g. models, if they are to be required). This stage will also include the following:

- (a) Agreement on quality and performance standards of fixtures and fittings and services, for convenience and economy of use and maintenance, as well as lasting reliability.
- (b) Review of content and quality of the scheme as compared with the Stage 1 brief, and consequent revision of cost and time scale, if any.
- (c) Settlement of arrangements for finance.
- (d) Report on, and acceptance of, tender.

**Stage 3** - Construction, including quality and cost control

This stage will need to include the following:

- (a) Arrangements for looking after the interests of the PCC, as the client, during the construction period and for handling the architect's progress reports and interim payment certificates.
- (b) Arrangements for immediate action to be taken on variations from the specification, defective materials or workmanship (with the best scheme in the world, there will always be some such variations).
- (c) Arrangements for making speedy decisions on queries and differences, which could quickly escalate into disputes, causing delays and extra costs.
- (d) Arrangements for dealing with variations, omissions or additions, if any, during the construction period, and any consequential variations in costs and time. In the event of a serious problem, it may be appropriate to consider invoking the arbitration procedure which is included in the RIBA/RICS standard forms of contract.
- (e) Arrangements for completion inspections and certificates, maintenance period work, and insurance guarantees where appropriate.

The Advisory Committee recommends that if possible the PCC should appoint a *small* Building Committee (of not more than three or four persons) who should be empowered to deal with day-to-day problems of the kind listed under this stage. It is essential to be quite clear from the outset in whom responsibility and authority for decisions lies.

## **7. Decennial insurance**

It is possible for insurance to be taken out to cover the parish for unforeseen problems arising with the structure of the building within ten years of its construction. If a Parish wishes to take out a decennial policy, this must be done before any work actually commences. The insurer is likely to arrange for its own surveyor to advise on design and inspect the work as it progresses and this attention means that the cost of such insurance is very high. Any parish wishing to consider this matter further should contact its insurer in the first instance.

## **8. Legal action**

There have, sadly, been several cases in recent years where dissatisfaction with the outcome of a building project has resulted in legal action being taken subsequently against the architect, the builder, or both. While there will be extreme cases where this may be unavoidable, it leads to considerable delay, expense and frustration, not to mention the unfortunate publicity. It is therefore to be avoided except as a very last resort and considered only when all other possibilities of settlement have been tried. In this connection, the possibility mentioned in para. 6 above, of arbitration according to the established procedure should be noted. Where a PCC reaches the conclusion that legal advice must be taken to safeguard its interests, care will need to be taken to ensure that delay does not jeopardise the scope for action within the period set by the Statute of Limitations, but it is emphasised that long before this stage is reached, it should normally have been possible to resolve the problem by less extreme means.

*The Diocesan Advisory Committee hopes that these notes may help to ensure that these projects are kept firmly on the right lines throughout, so that serious problems and disputes may not arise in the future. The committee will be ready to give whatever further help and advice it can in any particular case, to ensure that what will always be a major event in the life of the parish, intended to enhance its life and witness, goes forward as smoothly as possible.*

### **Further reading**

The DAC has an Advisory Leaflet on the Construction (Design and Management) Regulations 2007, which can be obtained from the address below.

### **Additional information and advice is available from the DAC team:**

Emma Critchley, Pastoral and Advisory Secretary [ecritchley@stalbans.anglican.org](mailto:ecritchley@stalbans.anglican.org)  
Ann Jansz, Pastoral and Advisory Officer (P/T) [ajansz@stalbans.anglican.org](mailto:ajansz@stalbans.anglican.org)  
Debbie Cochrane, Group Secretary [dcochrane@stalbans.anglican.org](mailto:dcochrane@stalbans.anglican.org)

Diocesan Office, Holywell Lodge, 41 Holywell Hill, St Albans, Herts, AL1 1HE  
Tel: 01727 818138 Fax 01727 844469

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