

Curriculum Vitae of Simon J Potter RIBA

Practice Address: John Potter Architect Limited, Unit 2, Bewick House, Horsley Business Centre, Horsley, Northumberland, NE15 0NY. Tel: 01661 853345
E-mail: simon@johnpotterarchitect.com

Qualifications: Bachelor of Arts - Liverpool Polytechnic (1981)
Diploma in Architecture (Distinction) - Liverpool Polytechnic (1985)
RIBA. Architect (1986).

Experience/employment profile: 1976-1980 – 18 months pre-qualification experience with Barnett Winskill Architects and W B Edwards & Partners in Newcastle upon Tyne including survey, investigation and remedial projects in the St Thomas' Conservation Area in Newcastle, at Newcastle's Royal Victoria Infirmary, and the University Schools of Medicine at Newcastle and Sunderland.

1980-1986 – 36 months pre-qualification project work with John Potter Architect including survey, investigation and remedial works to office and residential property in Newcastle and Hexham; at Northgate Hospital - Northumberland and Axwell Park School - Gateshead; investigation and rectification of roofing defects in industrial and health buildings; and, design work for a new Health Clinic at Seaton Hirst, Ashington. Contributed to work for DHSS on smoke-stop doors, fire doorsets and ironmongery for doorsets.

1986-1991 - Building Design Partnership, Preston working on a range of projects including shopping centres at Birkenhead, Leeds Kirkgate and Ipswich. Worked on design of all internal fire-stopping provision to the Leeds Kirkgate scheme including fire doorset scheduling. Responsible for preparation of internal standards and Quality Assessment Documentation. Wrote BDP's Quality of Product Document QP97 "Flat Roof Construction". Provided technical support function on all aspects of roofing, waterproofing and materials technology: visited, inspected and reported upon roofing defects in Canterbury, London, Derby and Belfast. Responsible for the design of all inverted warm roofs, flat and warm pitched roofs to The Buttermarket Shopping Centre, Ipswich, featuring over 6,000 m² of flat and pitched clay tile roofing including co-ordination of associated structural matters, and for all fire doorset and ironmongery scheduling. Approximate value of roofing works alone was £6m. At the instruction of the then Chairman of BDP, N Keith Scott RIBA, Architect to the Dean & Chapter of Liverpool Cathedral, designed and oversaw the implementation of a scheme of re-roofing works to remedy storm damage to the roof of the nave and north transept of Liverpool Cathedral. Also responsible for re-roofing previous BDP projects following complaints of water ingress.

September 1991 - Joined John Potter Architect as an Associate. In 1995 became a Partner. Worked on a range of investigative and building pathology projects; on construction litigation; and, the restoration of Listed Buildings; fire precaution and protection measures to hospitals and to multi-occupancy residential buildings; contributed to design and development of technical literature on fire and smoke containment systems for specialist manufacturers.

Project work included the £4 million partial dismantling and rebuilding of the diaphragm walls and flat roofs of The Dolphin Centre, a multi-pool leisure & retail development in Darlington, undertaken whilst the building remained in use; acted to record and analyse information concerning the existing fabric for use in the subsequent action with Darlington Borough Council against Wiltshier (Northern) Limited in which the Practice acted as expert witness for Darlington Borough Council; re-roofing a 32,000 m² pharmaceutical factory in Fawdon, Newcastle in ten phases including pharmaceutical clean-room manufacturing facilities; refurbishment of police stations for Northumbria Police Authority; and, a series of alterations, extensions and refurbishments for commercial and private clients. Involved in design and construction to health buildings including Works to mortuary design for NHS Estates and refurbishment and upgrading to Elderly Care Units, surgical, and ward facilities to North Tees, West Cumbria and Northern Region Hospitals. Research and design work for DHSS/NHS Estates on Health Technical Memorandum (HTM) 58 & 59 on internal doorsets and ironmongery including fire testing at TRADA, Princes Risborough.

Other schemes included the refurbishment and extension of residential and commercial Listed Buildings and buildings in designated Conservation Areas, including the recreation of cast-iron railings to match late-Victorian originals. The work involved fabricating patterns, moulding and casting new railings and, assembling on site with new sandstone pillars and plinths, all to match photographs of the original work.

From 1993 - 2008 developed the Practice's services in providing Continuing Professional Development training to members of the Royal Institute of British Architects. Presented seminars to architects and contractors throughout the UK on aspects of professional practice and changes to the Building Regulations including airtightness testing requirements. Sponsoring Clients included DuPont, Dow, Burlington Slate, Aon Limited, and QBE Underwriters. Between 2004 & 2008 acting on behalf of Aon Limited & QBE Underwriters wrote, arranged and presented to architects throughout the UK a series of seminars entitled "How to avoid being sued. And, what to do if you are".

The Practice undertakes substantial numbers of commissions for extending and refurbishing buildings of all types, especially residential buildings for private homeowners. It undertakes Quinquennial Inspections of Almshouses and other buildings, and is included on the Approved Panel of Consultants of the Almshouse Association. It also undertakes consultancy work and has provided consultancy services to large multi-national companies including Burlington Slate; Icopal; Knauf; Dow Chemical Company, and DuPont de Nemour, primarily in connection with work to develop new product applications, and research and investigation of product applications in the field. It has also provided consultancy advice to manufacturers of acoustic, smoke and fire seal containment systems and of built-in fire containment products, including Quelfire Limited & Lorient Polyproducts Ltd and to manufacturers of fire doorsets. The work involves liaising with, or commissioning work from, various research and testing organisations in Europe and the UK including the Building Research Establishment.

1991 – 2020. In addition to conventional architectural practice am engaged in the preparation of expert opinions and Reports in connection with litigation, arbitration, adjudication and mediation. And, we are included on the List of Experts maintained by the President of the RIBA. Projects upon which we have been instructed include:-

- Sedgefield Racecourse: acted for the Racecourse Company to investigate persistent water penetration through roof and walls of new Grandstand. Developed remedial scheme with costs. Advised on allegations of negligence against architect and on contractual dispute with Contractor, including preparation of remedial scheme with Schedule of Costs.
- The Cheltenham Ladies' College: acted for The College in connection with a dispute over water penetration to roofs and basement of building in a Conservation Area, and the re-provision of flat roof, and fire doors. Advised upon negligence of architect and performance of Contractor. Advised upon Arbitration with Contractor. And, upon an Arbitration with architect, and subsequent Appeal.
- Rheged Visitor Centre, Penrith: acted for building owner in dispute with Consultants and Contractor following ground water penetration to a newly constructed earth-covered building: remedial works estimated at £3 million. Matter settled at Mediation.
- Acted for Contractor in investigation and Report on defective fibre-cement roofing slates on several large housing developments in East London and Greenhithe. Conducted materials testing and wind tunnel tests. Action proceeded to Trial. Matter settled in favour of the Contractor.
- Report for architect's Insurers on causes of condensation in large swimming pool at Aspley House, a Listed Building in Warwickshire, with recommendations for remedial works.
- Report for Contractor's Insurers on causes of water penetration through walls and flat roof of new hotel and training centre at Woodland Grange Hotel, Warwickshire. Advised on Contractor's dispute and negligence of architect. Claim valued in excess of £2m.
- Acted for insulation manufacturer in the investigation of, and Report upon, allegations of product failure at New College Durham in connection with delamination of roof insulation boards beneath a plastics single-layer membrane. Attended as Expert at Mediation on behalf of manufacturer. Matter settled in favour of the manufacturer.
- Hipperholme Grammar School, Halifax: acted on behalf of architect's insurers and building owners. Undertook investigation and Report as SJE into condensation and structural failure of high pressure laminate cladding to walls of school.

- Bruce & Hyslop (Brucast) Ltd., Liverpool. Acted as expert for the Claimant manufacturer to conduct investigation and Report upon debt recovery claim for the supply and installation of cast iron railings to a Grade II Listed property. Attended as Expert in mediation on behalf of the Claimant.

Gave evidence at Trial 14 - 18 November 2011 at the TCC Liverpool. Court found in favour of the Claimant, the matter being decided largely upon the basis of expert evidence. An unusual aspect of this case was the agreement of the Court to the appointment of an expert for the Claimant, following the original direction of the Court appointing a Single Joint Expert (SJE).

- Acted for Insurers in investigation and Report upon leaks from hydrotherapy pools at Age Concern's Healthy Living Centre, Hull. Provided Opinion upon liability of architect. Matter deemed to be time barred
- The Old Forge, Kirkandrews-on-Eden, Cumbria. Appointed by Defendant homeowner to provide advice in connection with allegations of negligence against an architect, and associated overcharging of fees, in connection with an unsuccessful planning application and appeal recommended by the architect. Prepared CPR Part 35 compliant Report upon the matter.
- Hawthorn Road, Gosforth, Newcastle. Acted for homeowner: instructed in the preparation of Reports and the giving of advice in connection with litigation concerning allegations of negligence against an architect in connection with a defective flat roof design and associated negligent Contract Administration and site inspection. Matter settled at Mediation in favour of our Clients.
- Carillion Homes Services Ltd -v- Knight Development Limited. Appointed by Court as SJE to prepare Report upon alleged workmanship failures in cavity wall insulation to residential property in Colchester, Essex and to give evidence at Trial.
- Axwell Gardens, Newcastle. Instructed by Loss Adjustors Cunningham Lindsey International on behalf of insurers in connection with a scheme of remedial works to rectify latent defects to 14 recently constructed properties suffering extensive water penetration.
- Northwood Primary School, Darlington. Building won an RICS National Award for "sustainable construction" in 2012. Appointed by Contractor to advise upon problems being experienced with water penetration and severe condensation in newly built School. Comment upon negligent design by architect and contractual liability of Contractor.
- Acted for Insurers on behalf of Contractor. Investigate and advise upon allegations of defective corrosion protection to structural steelwork of newly completed design & build residential development at Biggin Hill, Kent. Advise upon quantum of a Claim against designers. Matter settled following Mediation in favour of our Clients.
- The Paise, Hexham, Northumberland. Building nominated for both RICS & RIBA Awards 2016. Acted for homeowners to investigate and Report upon problems of severe water penetration into and through the walls, roof, and basement/cellar of a £2.3m refurbishment and extension of a Listed farmhouse. Report upon alleged negligent design, Inspection, Certification and Contract Administration by the architect, and upon defective construction by the Contractor.
- Silverlink Shopping Park, North Tyneside. Appointed by Contractor to investigate defective design and to advise upon remedial scheme for glazing to retail unit. Developed remedial scheme to replace glazing panels without disruption to trading in commercial premises.
- Burnside Lodge, Whitley Bay, Tyne and Wear. Appointed by Contractor to act as expert adviser and expert witness in dispute with building owner concerning alleged negligent Contractor's Design, and defective workmanship to residential care home. Inspected and opened-up various sections of the Works; advised upon negligent Contract Administration by Employer's Agent; prepared Report upon causes of water penetration including negligent co-ordination; and, negligent design and inspection. Attended Meeting of Experts and prepared Joint Statement of Experts. Attended Mediation on behalf of Contractor. Matter settled in favour of the Contractor following Mediation.

- Hurstbourne Park, Hampshire. Appointed by Contractor to investigate and advise upon cracking to glass tile lining of private indoor swimming pool. Cracks were evident primarily to the base of the pool. Prepared Report upon cause of cracking and advised upon absence of movement joints to tiling.
- Talgarth House, Milton Keynes. Acting for private landlord of a commercial manufacturing and processing building to investigate and advise upon Works carried out by maintenance contractor to remedy leaks to existing flat roofs and gutters. Attended site and inspected the repair works. Prepared Report upon the adequacy, or otherwise, of the Works and advised upon the evident failure of the repair works. Identified causes of further water leaks into and through roof and set out proposed remedial measures.
- Crag Hill Farm, Lartington, County Durham. Instructed by home owners to investigate and report upon a small re-roofing project undertaken by local “specialist” roofing contractor. Visited site, inspected the roof structure installed by the Contractor, and the membrane, tile covering and guttering. Advised upon defects in design and construction undertaken by the Contractor.
- Hibaldstow, Brigg, Lincolnshire. Appointed as SJE by the TCC (Leeds) to prepare Report upon dispute concerning the re-roofing of an existing commercial building during the course of its conversion to residential use, which began in 2011. Attended Site to meet and interview the Claimant and the Defendant, and to inspect the property. Prepared Report upon the use of breather-membranes and their application, and the replacement of timber structural elements. Following which the matter settled before Trial in favour of the Defendant.
- Ashton Court, Newcastle. Appointed by owner and developer of residential care homes, in connection with a dispute concerning the construction of a £2.4m care home built contrary to design approved by the Local Authority, and at a height greatly in excess of the Approved proposals. Prepare Preliminary Opinion upon causes of incorrect construction and upon allegations of negligence against the architects involved. Act at the instruction of appointed Solicitor. Sum in dispute £2.4m, plus costs. The matter settled in favour of our Clients following Mediation.
- Quality Hotel, Boldon, Newcastle. Instructed by Contractor’s Insurers to investigate and Report upon a range of defects in a newly designed and constructed, £2.1m, leisure and conference centre, incorporating a swimming pool, gym, sauna, restaurant, Kitchens and conferencing area. Investigate and advise upon matters including condensation in roofs and walls, the absence of a suitable negative pressurisation of the pool hall, thermal bridging, defective floors, inadequate drainage, and crumbling floor screed. Provided Opinion upon liability of architect for defective design and negligent inspection during D&B Contract. Settlement achieved by negotiation with additional recovery by Insurers from the architect engaged by the Contractor.
- 137 Main Street, Seahouses, Northumberland. Acted for Consultant’s Insurers to investigate and Report upon allegations of negligent design in connection with proposal for the conversion of the roof of a terraced property. Following submission of Report the Claimant withdrew all allegations.
- Breyer Group -v- PRP Architects. Appointed by Breyer Group to advise and Report upon alleged negligent design of rendered soffit insulation panels in multi-storey residential refurbishment in Tower Hamlets, London, including comment upon remedial measures taken by Breyer Group. Matter settled in favour of our Clients following a meeting of Experts, with their Claim being settled in full.
- A J Tracy & Sons Ltd -v- Jones Bros (Flat Roofing) Ltd. Acted on behalf of the Defendant Contractor in investigation of alleged leaks into and through roof of private residence in Hampshire. Following investigation and assessment of roof build-up constructed by Main Contractor identified condensation occurring in internal unvented roof voids. Matter settled pre-Trial.
- Travelers Insurance Co, Manchester. Acted for insurers of an architect in Aberdeen in assessing validity of a claim by the architect in connection with defective setting out by Contractor. Project involved the construction of a large helicopter storage hangar the foundations of which were constructed incorrectly as a result of negligence by the architect: the architect then compounding the error by admitting liability in an Architect’s Instruction.

- R -v- Stephen Rosen & Others/Southampton Crown Court. Engaged by Solicitors for one of three Defendants to assess 28 separate Expert Reports prepared by Hampshire & Dorset Trading Standards in support of a Prosecution for fraudulent mis-selling of a spray-applied roofing insulant product. Study the Reports and records prepared by Prosecution for each property and comment as to the accuracy or otherwise of each.
- Centralofts, Newcastle upon Tyne. Appointed by Contractor to investigate alleged water penetration through the flat roof of a converted 1930's property in centre of Newcastle. Attend Site, inspect the roof as built, assess Drawings of the Works as executed and Reports prepared by others including the NHBC. Undertake assessment of condensation risk to the building and identify substantial risk of condensation occurring. Advise upon remedial steps necessary to obviate problems being experienced. Claim against our Clients withdrawn.
- Appointed by Contractor to investigate and advise upon role of inspection undertaken by architect during construction of multi-storey, steel framed Hotel building with blockwork external cladding. Cladding suffered structural failure and water ingress. Visit Site to inspect remedial works being undertaken by Contractor to dismantle and replace the defective cladding. Prepare Expert Opinion upon the liability of the architect for negligent inspection of the Works. Matter settled following Mediation, substantially in favour of our Clients.
- Appointed by specialist roofing Contractor to investigate and advise upon problems of water penetration through the pitched 'green' roof of a swimming pool constructed at Saints & Seven Hills School, Sheffield. Following a Site visit and inspection of architect's drawings confirmed the source of water within the fabric was not leakage through the roof covering, but condensation caused by the lack of an adequate design for the external fabric of the pool hall. Following our attendance at Site and submission of our Report allegations against our Clients were withdrawn.
- Engaged by Insurers of a Third Party architect to assess a claim of negligence against architect involved in the design of extensions and remodelling to private house in Leeds. Allegations extended to defective design of foundations, services, fixtures and fittings, and pitched and flat roofs. Prepared Expert Opinion and response to allegations prior to Mediation. Matter settled at Mediation in favour of Insurers.
- Appointed by Claimant home owner to investigate defects in private residence including water penetration of masonry; defective gutters and pitched roofs; condensation and corrosion within an attached swimming pool; and defective drainage. Attend Site and prepare Preliminary Opinion upon liability of architect. Participated in subsequent Mediation. Claim settled in favour of our Clients following Mediation.
- Swaylands House & Drummond Hall, Tonbridge, Kent. Instructed by Freshfields Bruckhaus Deringer LLP & Ernst & Young in connection with a dispute concerning the defective re-roofing of a Grade II Listed building, and the defective wall and flat roof construction of a block of ten Apartments. Matter settled prior to litigation. Sum in dispute in excess of £10m. Now instructed as Architects and Principal Designers in respect of implementation of remedial works to Drummond Hall on behalf of the Management Company.
- Waterloo Court Apartments, Leeds. Appointed by Claimants to investigate defective construction to the roof of 74 apartments in a newly constructed building in Leeds. The dispute involves the defective construction of sections of the roof, and its supporting structure, such that condensation has led to decay and rot of the timber substrate. Opening-up of the roof exposed extensive areas of decay, corrosion and missing insulation. Prepare Report with costs in anticipation of Litigation against NHBC. Our Clients seek to recover from the NHBC the predicted costs of the remedial works. NHBC deny liability under the NHBC's Insurance Policy.
- 165 Fallsbrook Road, Streatham, London. Appointed by architect's Insurers in connection with Claim re. negligent design and contract administration upon a project to extend an existing 1930's detached house. The design involved the innovative use of in-situ cast concrete walls and pitched roofs, which the Contractor executed poorly. Notwithstanding the poor standard of construction to numerous aspects of the Works the architect advised the Claimant to make to the Contractor substantial cash payments without the benefit of the issue of any Interim Certificate. The Works were over-valued: the Contractor went into liquidation leaving the Claimant with an incomplete and poorly built project. Based upon our advice the matter settled at Mediation to the advantage of our Client.

- 5 Victoria Grove, Kensington, London. Appointed by architect's Insurers (same architect and Insurer as previous matter) in connection with a Claim concerning negligent design and contract administration upon a project to extend and refurbish an existing property, including the creation of a basement living/dining/kitchen area. The design involved the innovative use of brickwork honeycomb screen walls for which no viable structural solution was possible. There were leaks to the basement level, extensive poor workmanship and a catalogue of complaints from the homeowner concerning quality. Notwithstanding those complaints the architect recommended payment of the Contractor's interim Invoices without any inspection of the Works and Interim Certificates, including payments of sums in advance. The Contractor went into liquidation. To date the Claimant has yet to pursue the matter despite a Part 36 offer being made based upon our advice to Insurers.
- Meldrum Construction Services Limited (MCSL) -v- The Auckland Project (TAP) instructed by Claimant Contractor in matter of adjudication concerning negligent/inadequate design by TAP's architect of the roof construction and stone covering to an extension to Auckland Castle, Bishop Auckland (Grade I Listed) known as The Scotland Wing. Attended Site to view trial installation of cladding. Subsequently advised on inadequate and incomplete design by Defendant's architects. Prepared CPR 35 Compliant Expert and Supplementary Expert Reports for Adjudication. Responded to Expert Reports by Defendant's Experts. Our Clients succeeded in the Adjudication and subsequently secured the entirety of their claimed additional costs. Value of Claim: £1.3m+.
- Presently appointed by Insurers in connection with a dispute concerning allegedly defective insulation material supplied to, and installed on, over 100 flat roofs throughout the UK leading to blistering of the overlying membrane. Our role presently is to advise instructing Solicitors and Loss Adjusters upon technical matters including alternative mechanisms of failure; condensation risk analysis; and, the general design and construction of flat and low-slope roofs in accordance with Standards applicable at the date of construction. Value of Claim: to be assessed.
- Instructed by Claimant homeowners in connection with a dispute concerning the issuing of a Professional Consultant Certificate by an Architectural Technologist for works to their property, which included the construction of a basement living/dining/kitchen area. Following occupation the owners experienced repeated instances of water entry through the floor, and rising damp to the plaster dry-lining of the property. Prepared Preliminary Opinion prior to issue of Claim. Value of Claim: to be assessed.
- Presently instructed by Contractor in multi-party dispute concerning inadequate fire-stopping provision to 460 Apartments in a mixed use development in North London. Advising upon negligent inspection by the Contractor's architect under a JCT 2011 D&B Contract, and upon negligent inspection by non-novated design team architect, and negligent inspection by Clerk of Works engaged by the Client's Representative. Value of dispute: to be confirmed, but presently assessed as £50m+.
- Presently instructed by Contractor in dispute with Developer, under a JCT SBC16 Contract, concerning the adequacy of design information prepared by the architect and the consequent delays caused by the late provision of critical information. Value of Claim: to be assessed, but in excess of £2m.

In addition we are presently involved as Architects and Principal Designers in projects throughout the UK, from Edinburgh to Kent. A list of Solicitors and Clients for whom we have acted, or are presently acting, can be found on our website at http://www.johnpotterarchitect.com/consulta/con_expert3.html

I am included on the List of Expert Architects compiled by the President of the RIBA.

4 April 2022
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