

IN THE CONSISTORY COURT of the DIOCESE OF LIVERPOOL

His Honour Judge Graham Wood QC Chancellor

Re St Luke's Parish Church Southport

JUDGMENT

Introduction

1. A faculty is sought by St Luke's parish church in Southport for the installation of glazed timber screening to the south side transept chapel and a new heating system, as well as a confirmatory faculty for the installation of a Frank Bodley reredos above the altar which had been donated from a redundant church in Liverpool. I had the opportunity of visiting the church, and meeting with the churchwarden, who is driving the petition, together with several others to discuss and inspect the proposed works. My visit took place on 13th October 2020 and I indicated that I would be able to provide my decision on what is a relatively straightforward application within a short period of time.

2. Despite the belief by the petitioners that there had been some delay in the processing of the faculty, which had been subject to favourable advice by the DAC shortly after the first pandemic lockdown, I note that in fact the petition was not lodged on the online faculty system until 14th September. I am conscious that the petitioners had been hoping to resolve any outstanding issues before the winter. The contractors are ready and willing to proceed at short notice. The only reason for any further delay might be related to the need for a response from the Victorian Society, which whilst was not formally objecting to the proposals, had voiced some concern, but I am satisfied, in the light of the passage of time, that they wish to have no further input on the scheme, and therefore my decision can now be provided. However, I will take into account their comments.

The church

3. St Luke's parish church is a grade 2 listed building which was constructed in 1880 in the early English Gothic style in red brick with a tall and steep slate roof, but no tower or steeple. In fact, externally the building is rather unprepossessing, (the listing is described as "Severe Early English") but internally the cavernous space is impressive and majestic with large Gothic arches supported on brick and granite/marble columns. The internal brickwork is not faced but fully exposed, and is interspersed at regular intervals with a pale banding adding to the aesthetic impact of the space, and the focus is drawn to the sanctuary and chancel above the high altar with plain glass Gothic windows providing plenty of light. It is clear, however, that this very large space would be expensive to heat, and a small congregation easily lost within the nave. The south transept, which is the area currently used as a small chapel, has an attractive stained glass full length window.

The application and the need for the works

4. It is the south transept which the petitioners would wish to have enclosed with the timber and glazed screen depicted in the plans and drawings. It is known as the Blessed Sacrament chapel, and the intention is that for most regular services, including the parish mass which is celebrated by this Anglo-Catholic church, the congregation would meet within the new enclosed area, which I understand would accommodate up to 50 (although significantly fewer if social distancing measures are continued and the two metre rule is applied). It is hoped that the space created would be multi-use, with an opportunity for meetings, including bible groups and Sunday school, and social gatherings, although the petitioners accept that such events would be limited in nature because of the shape of the space, the position of the columns, and of course the altar, which would retain a worship focus.

5. Presently the congregation meets in the church hall because of the difficulties of heating the internal space within the church building, with the old heating system which relies on the blowing of hot air, and which has to be turned on at least a day in advance of any service. It is said that there is a faithful group of between 20 and 30 worshippers across a broad range of age, but with a number of pensioners. The hope is that the creation of this new enclosed chapel area will encourage more to attend (although of course it will be self-limiting if a maximum of 50 can be seated) but will also provide the opportunity for children's groups, Sunday school and other events to take place if the main church is used, perhaps in the warmer months. The intention is that there will be double doors in the south aisle to allow the access of the congregation, whereas the clergy will enter through a single door from the main transept and the chancel where there are presently vestries.

6. Because the floor level within the chapel area is higher than the nave, the scheme incorporates the construction of a ramp to allow disabled access which is presently designed to run parallel to the south wall of the church, leading to the new double door access.

7. The parish has been able to move forward with their proposals because of a very generous legacy, and the funds are in place to allow the construction of the present screens (whether timber or glazed, or a combination of both materials) as well as to install the heating system which will be more environmentally friendly, and less costly. Alternative proposals have been contemplated in relation to a replacement of the entire heating system within the church, but this was considered to be too expensive and rather wasteful.

8. The reredos which was donated to the church has already been installed, which enables a good impression to be given as to how the worship space might be used. It contains an evocative display of the crucifixion with intricate gold carving, sitting above the altar and starkly set off by the red curtaining behind, which covers the external brick wall of the south transept.

The concerns expressed and the response

9. The Victorian Society (James Hughes) was engaged with at an early stage by the DAC, and there has been no formal consultation as such. This is now standard practice and is sensible, meaning that the position of the amenity societies is obtained before the petition papers are finalised and sent to me for approval, and in most instances will avoid the need for their views to be elicited on a formal basis. Mr Hughes raised some concerns about the usefulness of the space being created, and in particular how this could be adapted in the event that the congregation increased, when there are limited numbers who could be accommodated within the new chapel. His objection was that there was limited information about alternative schemes which the parish could utilise to deal with the creation of a combined chapel and community space. He commented that the glazing in of the transept would have a significant impact on the spatial and aesthetic qualities of the church, destroying the sense of volume between the transept and the chancel. He also suggested that the structural members of the glazing should align with the pale banding in the brick walls which would involve only a minor refinement.

10. Although the email from the DAC has not been included within my papers, it is apparent that they expressed some concern about the means of escape with the positioning of the ramp, compliance with the building regulations, and the need for the removal of a wooden screen at the back of the choir stalls which would be parallel with the new screen to be erected. The architect Mr Volland has answered these concerns and produced some revised drawings. It is apparent that this is no longer a problem for the DAC because approval was subsequently provided by the committee in June of this year.

Merits

11. Before granting a faculty it is necessary for the consistory court to be satisfied that the proposed works do not affect or impact the architectural and historic character of the church building, or if they do, the extent to which that impact is justified by the benefit which is secured by the alterations. This involves the application of the so-called Duffield questions which were commended as an approach by the Court of Arches in **Re St Alkmund, Duffield [2013] Fam 158**, and represent an approach now followed almost invariably.

1. *Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?*
2. *If the answer to question (1) is “no”, the ordinary presumption in faculty proceedings “in favour of things as they stand” is applicable and can be rebutted more or less readily depending on the particular nature of the proposals (see **Peek v Trower [1881] 7PD 21 26-8**, and the review of the case law by Chancellor Bussell QC in **In re St Mary’s White Waltham (no2) [2010] PTSR 1689** at para 11). Questions 3, 4 and 5 below do not then arise.*
3. *If the answer to question (1) is “yes”, how serious would the harm be?*
4. *How clear and convincing is the justification for carrying out the proposals?*

5. *Bearing in mind that there is a strong presumption against proposals which will adversely affect the special character of a listed building, will any resulting public benefit (including matters such as liturgical freedom, pastoral well-being, opportunities for mission, and putting the church to viable uses that are consistent with its role as a place of worship and mission) outweigh the harm? In answering question (5) the more serious the harm, the greater will be the level of benefit needed before the proposals should be permitted. This will particularly be the case if the harm is to a building which is listed grade I or II*, where serious harm should only exceptionally be allowed.*

12. Mr Hughes is correct in his observation that the proposed glazed screen would have a significant impact on the chancel in terms of *spatial and aesthetic* qualities, although this does not necessarily mean that the harm is one to the historic or the architectural aspect. Churches are constantly adapting and altering to cater for the most contemporary needs of the congregations, and there is little doubt that when this church was constructed there would have been a very substantial community attendance, with a large congregation, justifying, particularly in the winter months, the need to ensure warmth. To provide a more enclosed space for a much smaller congregation, and to allow effective worship by segregating off part of the transept and the chancel with a sensitively designed screen of timber and glazing in my judgment whilst constituting some modest harm, does not represent any significant impact, particularly if constructed in a way which would enable its removal in years to come, should the need arise. The only potential significant alteration will be to the mortar joints which will enable the fixing of the structure.

13. From a purely aesthetic point of view, it makes more sense, as I suggested to Mr Heaton, if the south facing screen were made substantially from glass, as this would enable full sight lines for the reredos and the altar within the new chapel, and would be significantly less noticeable for those entering the body of the church.

14. Even if there was any measurable harm (which I do not believe that there is) in my judgment it is substantially outweighed by the very great benefit which this parish will achieve in having a small space which is economic to heat. It is important when considering the grant of a faculty that the court does not lose sight of environmental considerations, as well as wasted cost at a time when most parishes are struggling for income with dwindling congregations, and the consequence of being too restrictive when considering benefit could well be the closure of a church, and thus long-term damage to a heritage which has not been preserved.

15. The disabled access ramp appears to have been addressed, in terms of the potential for obstruction, or breach of building regulations. Further comment is not required. In relation to the space heating, clearly this is a concomitant part of the work which is to be undertaken, and is entirely appropriate in terms of the benefit which is achieved.

16. Finally, the reredos, although already installed, appears to me to be integral to the overall scheme, and clearly justifies a confirmatory faculty.

Conclusion

17. I have given some consideration as to whether I should make it a condition of the grant of this faculty that the nave facing screens be fully glazed, as opposed to part glazed, part timber. I understand that the cost would be no different. The advantage of the full glazed height is stated above. However, on the basis of the desire of the petitioners to progress matters as quickly as possible, and the potential need for re-designing, and further architects' costs, I do not believe that the condition is justified, and accordingly it is sufficient to leave it to the good sense of the petitioners as to how they approach the construction. If a fully glazed screen can be achieved without extensive further disruption, it is a matter for them as to whether they wish to proceed on this basis. Otherwise, the faculty can be granted to allow for the screening of the south transept chapel by part glazing and part timber on the basis that the chancel facing screen will have to be timber in any event, to obscure the rear of the choir stalls and because essentially there is no significant sight line from the chapel towards the central transept.

18. The faculty will include the provision of space heating to allow the independent heating of the chapel. The confirmatory faculty is also granted for the reredos.

19. The only condition will be that the works are completed within six months of the grant of the faculty. If this cannot be achieved, a further application will be necessary for an extension.

His Honour Judge Graham Wood QC

Chancellor of the Diocese of Liverpool

14th September 2020