

Neutral Citation Number: [2020] ECC Lon 2

IN THE CONSISTORY COURT

Diocese of London

IN THE MATTER OF St Paul's Covent Garden

-and-

IN THE MATTER OF FACULTY NO 3974

The proposed removal of the fixed pews and replacement with new movable and stackable seating with the colour of the new seating matching the colour of the existing surrounding woodwork and retention of the best examples of the current pews by their removal to the gallery

-and-

IN THE MATTER OF a petition of the Reverend Simon Grigg (Vicar) Robert Zampetti (Churchwarden) and Maximilian Lacey (Churchwarden)

Judgment of the Chancellor

May 15, 2021

JUDGMENT

I considered carefully the petition to which this judgment applies both before and after my visit to the church on April 24, 2021. I granted the petition shortly thereafter and now set out my reasons in full.

1. This is a petition seeking permission for the removal of the fixed pews and replacement with new movable and stackable seating with the colour of the new seating matching the colour of the existing surrounding woodwork and retention of the best examples of the current pews by their removal to the gallery. The petitioners also seek to remove some red chairs that were introduced in the 1980s. These chairs have never had any aesthetic value in my judgment and that part of the petition succeeds without further consideration.
2. This very well-known church, known by many as “the Actors’ Church”, is situated off Bedford Street in Covent Garden and has a very attractive churchyard serving as an oasis of relative peace and quiet in an extremely busy part of London.

3. The cost of the works as a whole is said to be around £240,000 and the petitioners say that the church has sufficient funds for the works from its own funds together with gifts and legacies.
4. There is objection from both Historic England (HE) and the Victorian Society (VS). They have elected not to become Parties Opponent but have asked me to take their views into account. The VS told me that its decision not to become a Party Opponent was solely due to lack of resources. I do not distinguish Objectors based on why they have chosen not to become Parties Opponent. All Objectors with a sufficient interest will always have their views taken into account in all cases if they wish to maintain their objections but do not wish to oppose a petition formally. The degree to which their objections will affect the court's decision is dependent only on the merit of the objections. HE and VS clearly have a sufficient interest.
5. The formal requirements of a faculty petition have been correctly followed. I gave particular directions in respect of Notice, with which the petitioners complied.

THE STATEMENT OF SIGNIFICANCE: Significance

6. I have considered very carefully the Statement of Significance which is an extremely detailed document from which I have benefitted considerably. Because of concerns expressed by HE and the VS, and although I am not unfamiliar with the church, I visited it on Saturday, April 24, 2021 and was shown round by the Vicar, the Reverend Simon Grigg; Maximilian Lacey, Churchwarden and Luke Hughes, the internationally recognised designer and engineer of custom and bespoke furniture, including ecclesiastical furniture. As can often be the case, viewing a church with a specific issue to consider concentrates the mind on things that might be missed during a casual visit.
7. St Paul's was built during the Personal Rule of Charles I during 1631-5 and can probably be attributed safely to Inigo Jones. I am told in the Statement of Significance that it was the first new parish church built in London under the Stuarts and can clearly be seen to be in the Classical tradition, striking to the eye on entering, notwithstanding the amount of work done to the church since then.
8. Major works were carried out in 1788 and 1789 but in 1795 plumbers, who were engaged in carrying out what would nowadays probably be regarded as 'List B' works, left a fire unguarded and a huge conflagration gutted the church. It was rebuilt in 1795 to 1796 by Thomas Hardwick. At a time of great expenditure, the decision was made to replace the pews with oak ones. There is a useful architectural drawing of 1843 which shows the interior prior to important alterations designed by William Butterfield. The Butterfield works were carried out by episcopal faculty between 1871-2. Press reports of the period were favourable to some aspects, particularly the provision of seating for children, but Butterfield's conversion of the old pews was more controversial and caused, it was said, the seating to be uncomfortable and (by reason of other changes) capacity was substantially reduced.
9. What Butterfield appears to have done is to have removed the side galleries and therefore alter Hardwick's two ranges of pews to four with aisles. The box pews were converted into open pews. The chancel was substantially enlarged.
10. I was struck by a certain odd look to the pews as I walked amongst them as if they had been reduced in some way. Luke Hughes drew this to my attention. A clue to what may well have happened is provided by the 1871 faculty application. The proposal was to convert the pews 'into open spaces' and within the documentation is found this: 'That the alterations proposed as shewn by the plans are...Rearranging the whole of the

Sittings on the Ground floor, *lowering the same* (my italics) and removing doors'. An excellent postcard photograph of the Butterfield pews was created in the early twentieth century. *The Building News* published on June 28, 1872 commenting on the completed works, said: "The seats, formed out of the old oak pews, are low and open."

11. During what may have been a "cutting down" of the Hardwick pews by Butterfield there was likely to have been extensive recycling which has caused some oddities. For instance, some pew ends are single fielded; others are double-fielded. It is therefore, I am told, not altogether easy to determine what parts of the pews are Hardwick and what are Butterfield. One possibility may be that the pew ends are Georgian whilst the seating part is Butterfield. Certainly, the pew ends have a Georgian look.
12. The petitioners contend that the pews are of "middling" importance. They say that they are not the original Inigo Jones pews. They are part Hardwick and part Butterfield. The petitioners submit that the following features are relevant when assessing the significance of the pews:
 - a. The fact that at least some parts of all of the pews are 222 years old and that the pews as a whole have remained there undisturbed since the 1870s.
 - b. They look the part, sit well in the church, with a settled appearance.
 - c. The design, however, is fairly ordinary and plain save for the fielded end panels.
 - d. The amalgamation (or "unsatisfactory mishmash" as it is termed) substantially reduces the *architectural* significance from what it would otherwise have been were the pews pure Hardwick or pure Butterfield.
13. The Petitioners also say that if the floor plan of 1970 is examined it can be seen that 15 of the Hardwick/Butterfield pews must have been removed. It is impossible to predict what today's Consistory Court would have made of the 1871 faculty process but I can imagine there would have been objection. I, of course, am judging the pews' present historical and architectural significance viewed in the context of St Paul's as a whole.
14. Without detracting from the fact that had the pews been entirely the work of Butterfield they would clearly be of greater architectural significance, the petitioners observe that Paul Thompson in his 1971 biography of Butterfield (*William Butterfield*) described the restoration at St Paul's as being uninspired and a poor restoration job.
15. St Paul's is a listed building (Grade 1) and is situated within the Covent Garden Conservation Area. Both designations recognise the high importance of both the church and setting: a significance that is recognised by historians and architects amongst others.
16. I should add that the petitioners have provided a substantial number of contemporary photographs of the church and, together with my viewing of the church, I have had an opportunity to look at these pews carefully.

STATEMENTS OF SIGNIFICANCE AND NEED: The Proposal

17. The petitioners seek to remove the present pews in the nave and sanctuary and replace them with 88 freestanding oak pews that have been especially designed for the church by Luke Hughes whose work is widely recognised as being of a very high quality. These pews will have the advantage of being able to be moved. Four stepped gallery pews are to be retained as a remnant and part-record of the original views.
18. The reasons for wishing to take this course are as follows:

- a. The present pews are in a very poor state of repair. The seats and the backrests are in some cases coming apart and in some cases are also clearly unsafe. Some pews have actually collapsed during services. They are in some cases uncomfortable on which to sit. The petitioners say that there is no option simply to do nothing about them. They will either require substantial renovation and restoration or replacement.
- b. The petitioners have detailed the various services and occasions that would benefit from having flexible seating. The particular association of the church with the acting profession means that there is a wish by a number of those remembering someone's death (either at a funeral or memorial service) to use the church more imaginatively than the present fixed seating allows. There is a desire to celebrate choral evensong (an increasingly well attended service) with better choir stalls and a re-arrangement of pews particularly when involving antiphonal singing. Flexibility of space would also be very useful when younger people are attending, the church being closely associated with St Clement Danes' Church of England School.
- c. It is also wished to develop links with museums (such as the Victoria and Albert) who are interested in exhibitions from their theatre galleries being loaned to the church but find this impossible presently in view of the fixed nature of the pews. There is correspondence to support this.
- d. There is a need and a wish to be able to use space flexibly to permit the hosting of community events (there is a resident population of around 5000 in Covent Garden but a lack of community space) as well as to address difficulty in providing catering.
- e. Every church has to think about its income stream nowadays. The responsibilities of providing the parish share (Common Fund) as well as the escalating costs of repair, maintenance and restoration of the church and its grounds are heavy drains on finances. This is particularly true with Grade 1 listed churches, such as St Paul's.
- f. St Paul's is fortunate to have what the petitioners term a 'commercial arm' involving musical and theatrical performances, including the Iris Theatre (its resident professional theatre company) which fosters and promotes young professionals recently graduated from top drama and design schools. The Iris Theatre gives approximately 70 performances at the church annually and its artistic director has written in support of the proposals. The church hosts around 80 concerts a year but a number of larger ones have to be declined because of the space restrictions. Other organisations such as London Fashion Week have wished to use the church but have encountered the same problem.

STATEMENT OF SIGNIFICANCE: The Cost

19. The petitioners propose to meet the cost of the proposals with a bequest of £56,000 which contained a request that the monies be used for a specific purpose rather than on maintenance. This would still leave a substantial amount (probably nearly four times as much again) to be met from reserves. Presently, and subject to certain criteria, people (mostly those from the theatrical community) are remembered by commemorative plaques around the church and by the naming of benches in the courtyard. The available space for that has now been exhausted. Luke Hughes showed me how a proposal would work to commemorate deceased members of the profession by naming plaques on new pews. The petitioners believe this will in due course cover the £1000 cost of each pew. Careful thought has been given by Mr Hughes to the design of the furniture and account has been taken of views expressed by others, including HE.

STATEMENT OF SIGNIFICANCE: Mitigation and Reversibility

20. The petitioners have given thought to mitigation and reversibility.
- a. It is accepted that the significance of the fixed pews will be diminished by separation from their historic location.
 - b. The existing pews will be professionally photographed and their position in the church will be recorded.
 - c. It is intended they should be halved in length for use in worshippers' and donors' homes.
 - d. Complete examples of the pews and also significant parts of them will be safely archived and displayed on site. The existing pews in the gallery will be retained being both visible and usable. Future generations will be able to see for themselves these pews. It is said that this would potentially mean that the changes could be reversed, although this seems highly unlikely as a possibility in my judgment.

THE STATE OF THE PEWS

21. Upchurch Associates were commissioned to examine the pews in October 2019 and their helpful report gives a wealth of detail which has been open to those who wished to examine it. I shall not reproduce its contents here in detail but highlight some of its observations and conclusions.
- a. North Aisle pews are said to be from the Hardwick period with little adaptation. There is no sign of doors ever having been present nor even a kneeling-board. The wall-facing end panels have in many cases been "crudely screwed" with modern screws into the face of the Wainscot panels. There are various deficiencies and missing parts with one pew coming apart at its base.
 - b. 11 rows of pews between aisle pews on the north side are similar and many of them are (now) too long for what is a light-weight construction which leads to flexing when under load, which causes further problems in the central joints and (because of the length) containing sections of wood placed together in an irregular fashion. There is a block of timber underneath to try and protect the joint.
 - c. There is damage to a number of the rows of pews. In some cases the back-rests are broken and potentially insecure.
 - d. The same problems are present in the between-aisle pews on the south side and for the same reasons.
 - e. The south aisle pews have the same issues as the north aisle pews with the last two rows of pews being significantly damaged.
22. In the view of Upchurch, these pews are substantially Hardwick.
23. Turning now to the Chancel pews.
- a. The Chancel pews are probably Butterfield, according to Upchurch, using some segments of Hardwick in what is described as a 'rather crude' manner.
 - b. As with those on the north side, the effect is to make them liable to come apart when moved as these are not fixed to the floor. The placing of inserts in the furniture (some said to be beautiful) have the unintended effect of weakening the structure.
24. The overall conclusion is that the nave pews are the most damaged. It is said they are built in a flimsy fashion with very little to stiffen the seat area or to support the back from flexing. The designer chose to have a gap between the seat and the back which means that neither offers effective support to the other. The back flexes too much as does the seat. A dowelled joint serving the original carriage plate that sits under the seat was the natural result of the available sections of timber. The movement of

congregants backwards and forwards has worked on this joint and its glue causing the back to be poorly supported. The carriage plate is failing on all of the longer pews. The view expressed in the report is that the pews would derive much strength if firmly anchored to the floor (this support was removed, possibly by Butterfield). As the report concludes: “It is an original design failure in relying too heavily on slender sections of wood with insufficient support, poor choice of jointing at critical points compounded by requiring the pews in the centre block to be too long.”

25. The Upchurch report says that it would be possible to reinstate these pews to suitable strength in something close to their original appearance but they would require either to be more solidly anchored to the floor and/or require slender stiffening metalwork concealed under the seat and sections of the broken existing panelling to be rebuilt. This, it is said, would greatly limit their flexibility. The best response (more vertical supports) would make a significant change to the appearance. It is said that it is unlikely that they will survive long in their current state.
26. There was a further assessment by Dr Julian Orbach who co-authors five volumes in Pevsner’s Buildings of England series and is the author of the Blue Guide to Victorian Buildings in Britain as well as having been architectural adviser to the Victorian Society. He has a distinguished and relevant *curriculum vitae* which I need not rehearse here.
27. His conclusions are that:
 - a. By any standards, the pews and stalls of St Paul’s are unremarkable, neither late Georgian box pews nor the justly admired church woodwork of William Butterfield. They are Victorian reconstructions of Georgian woodwork done for economy rather than to preserve something of rare value.
 - b. The pews fill the space without particular artistic merit and the chancel stalls, that stand more prominently on their raised platform, fail more notably, relating ill to the communion rails and reredos behind.
 - c. The woodwork is poorly assembled, the pews too long and needing to be propped up and requiring insensitive fittings into the side-wall wainscot.
 - d. As Butterfield is renowned for his church woodwork which was always well made, Dr Orbach concludes the existing pews were cut down and re-used for economy.
 - e. The effect is to create a space which is “quite extraordinarily” inflexible and crowded. He comments that the moveable pews designed by Luke Hughes, are of intrinsically higher artistic merit than the pews and stalls currently in place. They are of a traditional character but adapted to being placed in varied arrangements according to need.
28. I have also read a helpful report on the state of the floor by Steve Jilks of Bakers of Danbury Ltd. In that report, Mr Jilks comments that “the wainscoting panel mouldings have been badly damaged where the existing pews were roughly screwed across them and would benefit from the proposed pew benches sitting the depth of the heating pipes away so that the wainscoting can be maintained in its entirety.”

RESPONSES

29. **Church Buildings Council (CBC).** The CBC commented on the proposal on October 17, 2019. Whilst sorry to see “these historic pews” leaving this “significant building”,

the CBC concluded that the benefits to the church will outweigh the harm in removing them. The CBC commented that replacements would need to be of very high quality to mitigate the loss and suggested a bespoke design rather than the adaptation of a “standard Luke Hughes” pew. The CBC also asked the petitioners to consider where the pews could be stacked when not in use so as not to obscure memorials or the wainscoting. The CBC was concerned that some of the existing pews in the gallery were themselves in poor condition and suggested that the best pews from the nave be kept in the gallery.

30. Society for the Protection of Ancient Buildings (SPAB) and The Georgian Group. Both had no comment. The Georgian Group had benefitted from a site visit.

31. Historic England (HE). HE has substantial reservations about the proposals but does not elect to become a Party Opponent. There have been a number of exchanges between the petitioners and HE. In the pre-application advice of October 4, 2019, HE raised the following issues. I make clear that I have read all of what is written (and this is also true for all of those who have written) and what follows is a headline summary:

- a. HE’s first proposition is that the condition of the pews could be addressed by a programme of repair and refurbishment.
- b. HE questions whether the need to be able to host further events than the 400 already held constitutes a compelling need to remove the existing pews.
- c. HE argues that the fact the pews contain a mixture of Georgian and Victorian fabric relating to what HE describes as two especially ‘noteworthy’ phases in the building’s history makes a considerable contribution to the significance of the interior and that these pew benches are aesthetically in keeping with the wainscoting and other historic joinery in the church.
- d. HE says that the complete removal of these pews should only be contemplated if all other options have been investigated and none found possible. As an example, HE posited whether it might be possible to make these pews moveable.
- e. HE makes this point, perhaps somewhat more controversially, that even if restoration and adaptation caused a ‘considerable degree of alteration’ this would be preferable to their total loss.

32. HE wrote again on November 4, 2020 following receipt of revisions and reports to the original scheme. After repeating the history of the church and HE’s view of its exceptional significance, HE made the following points:

- a. In light of the additional reports, including, and perhaps in particular, that of Dr Julian Orbach, HE put the significance of the pews in this way: ‘...as contributing features of the building’s architectural and historic interest in the way they tell the story of the church and enrich its character.’
- b. HE noted the efforts made by the petitioners to mitigate some of this loss by revisions in the design of the proposed new pew benches but maintained that their loss will inevitably cause ‘some harm to significance’.
- c. HE also noted the possibilities for maintaining the original pews canvassed in the Upchurch report and HE reiterated the importance of the public benefit test and its previous observations in that regard. HE acknowledged Luke Hughes’ revised arrangements for stacking, concealing and storing the pews would mitigate some of the harm caused during the time the pews were not in their more traditional placement.

33. HE did not wish to become a Party Opponent but maintains its reservations as expressed in its responses with the second response containing its final position. As always, I have followed HE’s observations with keen interest and its views have been taken into account.

34. **The Victorian Society (VS).** The VS, which has a clear interest in these proposals, gave its first response on November 12, 2019. It said that without a scholarly assessment of the nature and date of the fabric of the benches, it was almost impossible to offer any objective or constructive advice at that stage. It registered a strong objection and urged that a genuinely scholarly and detailed study of the existing pew benches be commissioned.
35. The VS wrote again on March 19, 2020 and maintained its opposition on the basis of the information then supplied which it considered was based too much on speculation and conjecture. It again requested a genuinely scholarly assessment.
36. The VS wrote again on December 14, 2020. It had little to add to its previous assessment and said that it was broadly sympathetic to the views of HE set out in its most recent observations, but it did observe that the standard of the seating in the proposed reordering was of a quality that surpassed the vast majority of reordering schemes upon which it was consulted, although it noted that this was comparing it with general reordered seating in churches which was poor. Criticism was again made of what was said to be the lack of an objective and scholarly assessment of the pews, saying that the latest pew report amounted to little more than a statement of support for the proposals.
37. The VS indicated it would be unlikely formally to oppose the petition (a position it has subsequently adopted) but maintained its reservations.

ISSUES & ANALYSIS

38. These are the principal issues. Some of them will require more or less consideration depending on the resolution of questions which precede them.
 - a. The first question is whether sufficient information has been provided to the court to enable it to make a proper decision.
 - b. The second matter is whether the proposals, if implemented, would result in harm to the significance of the church as a building of special architectural or historical interest, and, if so, to what degree.
 - c. The third issue is how clear and convincing the justification is for the proposals and whether this need could be met by alternative proposals that caused less harm. This consideration includes what support the proposals have and what objections there are.
 - d. The fourth question is whether the works are affordable.
 - e. The final issue is whether conditions need to be applied to the grant of any faculty.
39. **Whether sufficient information has been provided to the court to enable it to make a proper decision.**
 - a. There has been a difficulty in this case resolving what the architectural significance of these pew benches is. The VS has complained of the lack of an objective and scholarly assessment of these pews. Whereas I agree that at the outset of the project more research was needed into them, I am satisfied that at the conclusion of the process there is sufficient information on which the determination can properly be made. To say, as the VS does, that the latest report (presumably the Orbach report) amounted to ‘little more than a statement of support for the proposals’ is in my judgment an inaccurate characterisation of the report.
 - b. I share the frustration of the VS to the extent that it has been difficult to disentangle precisely what is Hardwick and what is Butterfield in these pew benches but I am satisfied that it is unlikely that further research will ever

throw a definitive light on the question. Historical problems can sometimes lead to a result where there are numerous theories but no compelling single answer.

- c. I commend the petitioners for such a thoroughly prepared petition which has been of great assistance to the court. There has been a marked readiness by the petitioners and Mr Hughes to engage with those who have reservations about the proposal.
- d. Sufficient information has been provided to the court to allow it to make a proper decision.

40. Whether the proposals, if implemented would result in harm to the significance of the church as a building of special architectural or historical interest, and, if so, to what degree.

- a. The Diocesan Advisory Committee (DAC) recommended these proposals to me for my approval in its advice of February 12, 2021. In its opinion, the DAC found that the work was not likely to affect the character of the church as a building of special architectural or historic interest. I differ from the DAC in respect of that finding. It is acknowledged by all the parties that this proposal *is* likely to affect the character of the church as described and, indeed, further acknowledged by all that it would not just affect the character as described but also cause a degree of harm to the significance of at least the historic interest. I have therefore concluded that what is sometimes called ‘The Duffield Test’ is engaged. *In Re St Alkmund, Duffield* [2013] Fam 158 the test is set out and I have modelled my consideration of this issue upon it. I have further reminded myself that where the degree of harm likely to be caused to a Grade 1 listed building would be considerable, the justification for the need would have to be exceptional.
- b. The removal of these pews in their entirety would cause a degree of harm to the significance of the church as a building of special architectural or historic interest. Calculating the harm to its architectural significance is relatively simple. Whilst there is some limited importance in the combining of Hardwick’s pews with the Butterfield reordering, it is not in my view anything more than of limited importance architecturally. The marriage was not a happy one in the view of most commentators and the load-bearing issues particularly in the central aisles have now created a substantial problem. I witnessed the seating separating from its backing in numerous pews and some were clearly unsuitable for the seating of any congregants. If these pew benches were to be restored (which itself is likely to be complex, fraught and requiring further efforts to anchor these lengthy pews somehow) it seems to me likely that considerable modification of the original would be necessary.
- c. I agree with HE (views which are adopted by the VS) that the greater degree of harm will be to the significance of the church as a building of special historic interest. HE is correct to say that the pews are part of the narrative of this church. I would assess this particular harm as moderate. Buildings and their interiors necessarily have to evolve. In my judgment the key element, where the historic interest may be adversely affected in this way, provided a sufficient need for change has been established, is to ensure that examples of the bench pews are retained and that a proper photographic record is maintained for future generations to see what was there before. This is being done by the petitioners and Mr Hughes. I was very struck during my visit by their absolute respect for the heritage of this church.
- d. In conclusion, I do find that the significance of the church as a building of special architectural and historic interest will be harmed to a low degree in

respect of the architectural aspect and a moderate degree in respect of the historic one.

- e. I should say as a footnote that these pew benches are not without their negative aspects (excluding their condition, safety and comfort). Proposals to anchor them even more securely are likely to have implications for the flooring and the way in which they have necessarily been screwed into the attractive historic wainscoting is extremely unattractive and some might consider almost vandalism. It damages the wainscoting, obscures it and is visually abhorrent.

41. How clear and convincing the justification is for the proposals and whether this need could be met by proposals that caused less harm.

- a. These proposals are to use the space in this magnificent building more flexibly given the church's commitment to the arts and its local school and its capacity to increase its revenue by hosting events presently either unable to use the church to its fullest extent or, in some cases, at all.
- b. I had considerable sympathy with HE's observations about most aspects of this petition except for what it says, expressed delicately but nevertheless clearly, that (in my language) the church hosts so many events already that there could hardly be a justifiable need to increase that capacity. In my view, that may have failed (and in my judgment did fail) to do justice to the petitioners' submissions about the limitations on what can presently be achieved, on the loss of revenue (which churches need in order to maintain their buildings and protect the heritage) caused by these bench pews and by the restrictions the bench pews impose against using this really splendid interior as it might be used. The petitioners are not seeking to remove pew benches (which will still be in their traditional configuration for much of the time) but want to be able to use the interior imaginatively in a way which they say will enhance the qualities of the building, not detract from them.
- c. This is a case where the entire need clearly cannot be met by less harmful proposals.
- d. It comes to this: the petitioners have on one side of the scales set out the need and the necessity to do something about these bench pews which are in danger of (and in some cases are) falling apart at the seams. Because of a design fault, clearly identified by Paul Jackson of Upchurch, restoration will involve further anchoring of the pews, and likely result in considerable modification. This clearly would not involve the removal of the pews but whether it would address the reported discomfort of sitting in them, their long-term future in terms of viability or be possible without continuing to damage the wainscoting and without the risk of damaging the floor is open to some doubt in my judgment.
- e. The petitioners have set out their case for why, in any event, they want the flexibility to be able to change the placing of the pews and to remove them altogether for certain events thereby opening up the potentially impressive space for services, events, concerts and commercial hiring. The particular feature of commemorating those in the theatrical world, in particular, can be maintained by an imaginative use of plaques on seat backs.
- f. I place in the scales on the other side (aided by the valuable submissions from HE supported by the VS) the importance of these pews (historic more than architectural) and the degree of harm their removal will cause which I find to be low in respect of architectural significance but moderate in terms of the historical narrative of this famous and much-loved church.
- g. I also bear in mind that the proposal is not to remove pew benches as the usual method of seating and that the proposed ones will be of very high quality as well as being capable of being moved and stacked and, in fact,

although this is *not* the test I apply, significantly better in a number of ways than the existing pews as modified in the 1870s. Likewise, the effect of these proposals would be to free the wainscoting from the attachment of the existing pews which would help restore its significance and make any subsequent restoration of it much more achievable.

- h. I have noted the correspondence in support and taken into account the views of HE and the VS.
- i. In conclusion, I find that the removal of (most of) the pew benches, save for those retained in the gallery, will harm the significance of this church as a building of special architectural significance but not to any substantial extent and will also harm moderately its significance as a building of special historic interest. I have taken into account both these harms in the context of the church building as a whole and I was able to view this Grade 1 church in some detail. In my judgment, the established need, together with the fact that as things stand these pews are in a very poor state of repair as well as surviving on a flawed design principle, strongly argues for the conclusion that these proposals are justified and by a wide margin.

42. **The fourth question is whether the works are affordable.** In my view they are affordable. The ability to commemorate the departed on the backs of the pews themselves will doubtless pay for part of these works, and perhaps a substantial part, and the flexibility achieved by the new pew benches will also add to the revenue stream which the church is capable of generating.

43. **Whether conditions need to be applied to the grant of any faculty.** Two conditions should be imposed in my judgment. The first is that a photographic record should be made for the parish records. I appreciate this is part of the proposal to which I have already referred. The imposition of the condition is to stress its importance. The second relates to my visit. I was shown on the north side and south side (opposite one another) two distribution boards that were covered by cloth but otherwise exposed. The petitioners are desirous of placing these in two small, simple and sympathetically designed cupboards. The chosen design should be lodged by or on behalf of Mr Hughes, with the Registry. These do not require a separate faculty application, Public Notice or consultation.

CONCLUSION

44. A faculty will pass the Seal in respect of these works as prayed with the conditions as set out at paragraph 43 of this judgment.

45. I noticed during my viewing that this church has a number of interesting features but also something of a tendency to have accumulated some items of furniture and other artefacts that either are not up to the general standard of this church or might need attention in respect of where they are currently placed. The departure of the red chairs will remove one such feature. I know the PCC is giving active consideration to some additional reordering, repair and restoration in both the church and the churchyard and I viewed the scene of the accidental explosion that damaged one of the very charming lampposts in the courtyard. I commend the PCC and the petitioners for the way in which they have approached this petition in terms of the detail provided to the court and the helpful consultation process in which they have been ready to consider openly and objectively suggestions made to them and I am very confident that this will continue with any further reordering and restoration that the church intends to seek permission to undertake in the future.

