

**IN THE CONSISTORY COURT**  
**of the DIOCESE OF LIVERPOOL**

**In the matter of St Mary Great Sankey**

**Judgment on faculty petition for chair replacement**

**Introduction**

1. The petitioners seek to “*replace 75 of our existing wooden upholstered chairs with 75 lightweight metal upholstered chairs*” and accordingly have applied for the grant of a faculty to this court. There is no formal opposition to the petition, but following my earlier direction notice was given to the Church Buildings Council because of the nature of the proposal. They had voiced objection, but do not wish to become a parties opponent.

2. St Mary’s church is a listed building (grade 2) of Georgian origin, but which has been subject to internal reordering in Victorian times as well as more recently. The north-west annex was added in the 1930s.

3. In its statement of significance, the interior of the church is described in these terms:

“Development and significance of the interior. The interior is a well-proportioned space, with aisle-less Nave and Chancel. The Nave and baptistery are Georgian, dating from 1769, the tower, belfry and spire from 1869, and the Chancel and Porch 1883. The west gallery is also nineteenth century. There is stained glass to the Chancel and all but one of the Nave windows. The 2008 reorder simplified the space and de-cluttered the Chancel. The west baptistery sits beneath the gallery, internal access to which was provided in 2010 (previously access was gained via an external door). The whole area is carpeted and fitted with loose, upholstered chairs. The significance of the interior lies in its age, architectural merit, craftsmanship and simplicity. The roof structure is particularly fine, and well-lit with up/down lighters, fitted in the 2008 reorder. The polygonal baptistery is a delightful space with a charming scale.”

4. The pictorial evidence provided suggests that the nave gives a simple and open space acknowledging the Georgian influence of the structure with little in the way of ornate fittings, with the stained glass windows and roof trusses emphasised as the significant feature. Thus, unlike many Victorian interiors, or those which have survived with mediaeval influence, there is little in the way of screens, panelling or carvings. The significant timber aspects are to the chancel, and the gallery frontage.

### **The need for the chairs**

5. The present chairs are timber framed without arms but with a bright red upholstery to the seat and to the back panel. There are no pews within the nave but several rows in the gallery. It is said that the chairs, which are still serviceable and in good condition, are somewhat heavy for the ageing congregation to move and stack, as is required for the multiple uses to which the church is put within the community, congregational and missional events. The increasingly popular SB2M has been identified as a suitable replacement, having been tried and tested by some of the congregation and found to be the most comfortable. It has a red or rust coloured upholstery back and seat on a tubular narrow metal frame, and said to be easily stackable. The petitioners say that such a replacement would enable them to move the seating far more efficiently and would provide far greater adaptability for the internal space.

### **The nature of the objection**

6. The CBC does not object to the removal of the chairs, albeit advocating sensible disposal principally for environmental reasons. However, as might be expected, the concerns are focussed on the choice of replacement chairs, doubtless because of its own guidance as follows:

#### **CBC Guidance Note on seating**

##### **6. Selecting new seating**

*The view of the Church Buildings Council:*

*With many years of experience and having seen a range of completed schemes, the Church Buildings Council generally advocates the use of high quality wooden chairs (i.e. unupholstered) and pews where seating is necessary. The Council's experience is that wooden chairs have the greatest sympathy with historic church environments, present the best value for money with long lifespans, and that a well-designed, ergonomic wooden chair can provide as much comfort as an upholstered design. Upholstered seats are not considered to be appropriate for the following reasons:*

- They have a significant impact in terms of colour, texture and character which is not consonant with the quality of a highly listed church;*
- Experience demonstrates that upholstered seating needs more regular refurbishment (wear and tear, staining) than seating without upholstery. This is especially true of multi-use churches where it will be normal to eat and drink regularly on the chairs;*

- They are heavy and therefore more difficult to arrange and stack;
- The addition of soft furnishings can alter existing acoustics;
- Wood tones and textures fit well within church buildings and have been used for centuries in this context, whilst some colours have associations with other types of buildings such as offices.

7. There is no further elaboration provided on the nature of the objection which is stated in brief terms as “*The upholstery will have a significant visual impact on the church and their guaranteed lifespan is very short*”.

### Discussion and determination

8. I remind myself of the correct test to be applied whenever a change is planned to the interior of a listed church building, including alterations to the fixed or movable furnishings, if they are to be authorised by the grant of faculty, following the so called “Duffield” questions as set out by the Court of Arches in **Re St Alkmund, Duffield [2013] Fam 158**.

- (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.*

9. Whilst I entirely understand the rationale behind the guidance on seating, which is of particular importance whenever pews are to be removed which have blended with or provided a context for the internal fabric, including the timber panelling, wooden screens and fixed furniture of the interiors of church buildings for many decades, and sometimes centuries, an assessment has to be made on the basis of the impact of any new seating by reference to that which is already in place. This is not a case of pew removal, or even the selection of a modern new chair to replace old wooden chairs. At some stage within the last 15 years faculty approval has been provided on the reordering of the church interior for upholstered timber chairs, which by their very nature are contrary to the CBC guidance, notwithstanding the chair frame.

10. Thus what is being proposed on this faculty application is a minimal change in the overall appearance, notwithstanding the stainless steel framework. Whilst chairs of this nature have a tendency to give an “office feel” to a seating area, and in many instances would be inappropriate, for example where there are fine intricate wooden carvings, or the interior is ornate and not rudimentary or “minimalist”, that is not the case in respect of the nave at St Mary’s. Apart from the fact that it is a simple open space, congregation members and visitors have been using upholstered chairs, bright red in colour, for over 12 years. Although this is not a like for like replacement, it is relatively close, notwithstanding the stainless steel framework, which I acknowledge many would find to be unattractive. Accordingly, in respect of the first of the Duffield questions, in my judgment the answer is that the alteration would not cause any harm to the significance of this listed church interior, despite it otherwise being a building of historic and architectural interest. The objection of the CBC is somewhat formulaic, lacking in substance, and simply adherence to its own guidance.

11. It is therefore unnecessary to consider the further questions save to acknowledge that the preserving of the status quo, maintaining the existing seating, is easily rebutted, with the provision of seating which clearly satisfies a need, on the demonstration of the benefit of having flexible and reasonably durable seating for the years ahead, which the congregation can handle for the multi-use management of the church.

12. The approval of this faculty application should not be taken as an acquiescence in the widespread use of the SB2M chair in listed building interiors; as I have indicated above in a number of instances they are likely to be inappropriate, notwithstanding any perceived benefit from stackability and cheap cost. However for this particular church it represents a minimal change with no impact.

13. No special conditions are required, save that the chairs are purchased and placed within 6 months of the faculty grant, and that in relation to disposal the petitioners agree the mode of such disposal with the DAC, with by sale or donation to another church or organisation which may be in need of seating.

His Honour Judge Graham Wood QC  
Chancellor of the Diocese of Liverpool

11<sup>th</sup> October 2021