

Neutral Citation Number: [2022] ECC She 2

DIOCESE OF SHEFFIELD

In the Consistory Court

Her Honour Judge Sarah Singleton QC

Chancellor

Judgment

Concerning the Petition of the Area Dean and Churchwardens of Christ Church Dore for Faculty Permission to carry out extensive works of re-ordering.

Introduction

1. The Petition in this matter is dated 18th November 2021 and seeks permission for extensive works of re-ordering. The Church was constructed in 1828 and over its 190-year history has undergone works of alteration and reordering on several occasions, most recently in 1996. It is listed at Grade 2 and is therefore a nationally important building of special architectural and historic interest.

2. The works for which permission is sought are:-

EXTERNAL

- *new west entrance in new opening in tower wall with consequential alterations to existing window*
- *extend existing path from Church Lane and new paved welcome area with stone retaining wall providing area of seating to new west entrance with directional sculpture on route*

INTERNAL

a. West End Rooms (Tower, North Porch & Choir Vestry)

- *create new toilet accommodation and cleaner's store within the existing north porch*
- *remove existing Decalogue plaque from existing porch, conserve and reinstate on north wall of chancel*
- *create new entrance vestibule within the base of the tower with part glazed doors to outside, inner glazed automatic sliding doors and widened door opening with new glazed doors into nave*
- *remove existing clock weights and alter clock mechanism to auto-wind*
- *provide new access stair to ringing chamber*
- *create a new large meeting room/activity space within the existing Choir Vestry*
- *remove existing kitchen units and cupboards together with existing toilet*
- *create new opening in west wall of nave to access new kitchen/servery*
- *existing toilet to become boiler room and store*

b. West End of Nave

- *create new room at west end of nave to the south side to provide kitchen/servery*
- *reinstate original doorway to galleries at first floor level currently within ringing room, including the removal of decorative panels from the west wall of the nave, and fully glaze to include openable fanlight for ventilation*

c. Nave

- *retain existing dado panelling, stripping down the wood and lightening in colour*
- *remove existing pews with the exception of one pew to be retained at the west end of the nave on the north side*
- *relocate existing font to new baptistry area at east end of nave, north side*
- *provide new stackable chairs*
- *install a new level floor retaining central stone walkway with engineered oak boarding either side with underfloor heating*

d. East End

- *remove rood screen*
- *remove pipe organ (and false pipework)*
- *remove choir stalls*
- *remove pulpit from present site and relocate principal panels to north wall of chancel*
- *enlarge existing opening in east wall of nave to south side of chancel arch to form new pointed arch*
- *create one new truncated pointed arched opening from existing opening into organ chamber to south side of chancel*
- *reduce whole floor level so that Chancel floor coincides with Nave and south Chancel Aisle and extend upper step of Sanctuary to increase space behind high altar for west facing celebration*
- *lower reredos to correspond with lower Sanctuary floor to improve view of east window as originally intended*
- *provide additional movable altar table in chancel to architect's design*
- *block existing door into vestry and create new door, incorporating leaded glazing from original removed, in east wall of south Chancel Aisle*
- *new electronic organ (already installed)*

e. Vestry

- *minor internal alterations to accommodate new doorway and upgrade existing toilet facilities*

f. General

- *new (underfloor) heating installation*
- *new power and lighting installation*
- *new Audio Visual installation*
- *internal redecoration.*
- *improvements to insulation of building fabric*

3. The DAC considered these works at their meeting of 1st June 2021 and recommended them for approval subject to:-

“Further details including those for underfloor heating, AV arrangements, choice of chairs and all other items to be worked out in full once work commences to be uploaded to complete the application. Please inform the Registry of all items to be disposed of. The Registry to be contacted in the first instance should amendments or additional works be found necessary,”

I consider that this proviso reflects the impracticality when undertaking such a large project of every detail being planned in advance rather than any reservations about the scheme overall.

4. The works have been in the planning for approximately 20 years. There has been extensive consultation with Church Buildings Council (the CBC), Historic England, the Georgian Group, the Victorian Society and the Local Planning Authority. The proposals have been amended and reworked in response to those consultations several times. The documents I have considered to prepare this judgment necessarily have included the history of the changing proposals and have presented a challenge to navigate.

I propose to limit my consideration so far as possible to the proposals as they are now (the May 2021 proposals)

I hope that the Petitioners, understandably anxious to get work started on this major project, are understanding of my need to take more time than usual to respond.

Such have been the difficulties that I am resolved to manage any similar petition in the future rather differently and to insist upon a schedule of present proposals and present objections rather than ever find myself again spending precious time in the exploration of the multiple iterations of each party’s position over several years.

The Church Building and its History

5. The Church was listed in June 1973 at Grade 2. The description under the listing is a good starting point to follow the history of the building. It reads:-

Parish church. 1828, by Richard Furness. Choir vestry 1879.

Chancel 1895, by John Dodsley Webster. Coursed squared stone and ashlar, with ashlar dressings and stone slate and Welsh slate roofs. Gothic Revival style.

PLAN: chancel, vestries, nave, west tower, north porch.

EXTERIOR: quoins, diagonal buttresses topped with pinnacles.

2 bay chancel has sillband. East end has a 4-light panel

tracery window. To north, 2 single lancets. South-east vestry

has a canted corner with door and to east, a 3-light mullioned

window. To south, single and 2-light mullioned windows. Crenellated south-west vestry has a pointed door to west and a triangular headed 2-light window to south. Aisleless nave has to west a single lancet and to east, two 2-light pointed arch windows. North side has 2 similar windows flanked by single lancets, and single lancet in east end. West end has on each side a 2-light pointed arch window. West tower, 3 stages, has string courses and crenellated parapet with 4 crocketed pinnacles. First stage has, to west, a paired lancet with triangular heads. Second stage has a blank clock dial to west and a triangular headed window to south. Bell stage has a double lancet opening on each side, with hoodmoulds. Above the north and south ones, a clock.

Crenellated north porch has a double chamfered doorway with bracket lamp above it.

INTERIOR has double chamfered chancel arch with shaft impost and Decorated style wooden screen, 1913, and to its right a recess containing organ pipes. Chancel has arch braced king post roof, and door to south. Nave has strutted queen post roof and double doors at west end. North porch has double chamfered doorway and 4 octagonal cast-iron posts.

FITTINGS include Decorated style wooden reredos and altar, 1933, and brass tripod lectern, 1876. C19 octagonal ashlar pulpit and font, traceried stalls and cross frame benches. 7 stained glass windows, mid and late C19, east window 1903, 2 windows 1948.

6. It is of note that the listing of this church is linked to the major contribution to its construction and design by Richard Furness who was a prominent local resident and a fascinating polymath. He was a deputy pastor and minister, parish clerk, leader and oboe-player in the choir. He composed carols which are still sung in the church at Christmas. He was also an amateur doctor, dentist, surveyor and architect and reputedly sculpted the pinnacles on the tower roof himself.

The Lychgate into the church yard is separately listed at Grade 2 and will be unaffected by the proposed works.

Section 1 of The Statement of Significance of May 2021 sets out more details of the building, its history, its setting and its contents. The Statement of Significance is an impressive document and

is to be annexed to this judgment. (Section 2 sets out the Petitioners' contentions as to the impact of the proposals)

Historic England, in their letter to the Sheffield Planning Officer of 16th February 2021 written by their inspector Rosa Teira Paz, include an excellent precis of the history and description of the church as follows:-

Built in 1828 by Richard Furniss as a chapel of ease, the grade 2 listed Christ Church is an important landmark within Dore Conservation Area. The character and significance of the building are enhanced by the attractive graveyard that surrounds the building and the grade 2 listed lychgate on the entrance form Vicarage Lane.

The history of development of the church illustrates the changes in style and taste happening at the time, shifting from the picturesque qualities of the Gothic Revival characteristic of the late Georgian period to the more "academicist" Early Gothic prevalent in the 1860s and later decades of the Victorian Era.

Significantly and helpfully for the purpose of the issues I am to determine, Ms Teira Paz goes on:-

The triangular headed windows on the west end of the nave and tower are thought to date from the 1840s. Although not original, they relate to the smaller windows in the upper stages of the tower which date from 1828. With their elongated proportions. They are extremely unusual and contribute importantly to the church distinctiveness and interest. Of these three pairs of windows, only those on the tower can be appreciated to its full extend and only externally- as those on the nave have been partially obscured by subsequent extensions to the church.

7. The life of the Church and the Community

This is a busy church attracting congregations across the generations to its services on Sundays. There is a fortnightly service at 8.30am, a busy 10.00am weekly service and a 5.30pm service generally attended by older worshipers. In addition to Sunday worship, a regular group attend a 10.30am service on Thursdays.

The church is also the setting for numbers of cultural and community events. Unfortunately, the single lavatory and inadequate kitchen facilities limit such activities.

The church realistically aspires to be the setting for other events and activities cementing its place at the heart of a growing community with a varied demographic. The church is working with various community organisations including Dore Village society, Dore Male voice choir, Schools and Youth organisations and Dore Gala Committee. The bells installed in the tower are a particularly fine set and the church is a prominent centre for the teaching of bell ringing.

The evidence lodged by the Petitioners does not support the contention of the Victorian Society that the changes proposed for the building are based upon a "desire" to facilitate "speculative events" The evidence lodged by the Petitioners includes firmly worded letters of support for the plans from members of the community who have been included in extensive and informative consultative exercises.

8. An Overview of Need

The Statement of Need submitted with this Petition is another careful document which should be annexed to this judgment. The church community feels increasingly constrained by the building. The location of the present entrance is unimpressive; an entrant arrives through a relatively narrow and dark doorway at the front of the nave; they must then navigate a right turn which is difficult for wheelchair users, buggies and pall bearers. The Petitioners wish to move the entrance to the west end of the church to enable an open view of the whole nave and chancel from outside thereby creating light, welcome and accessibility. They wish to use their space flexibly for worship and events. The single lavatory is insufficient and the small kitchen inadequate for catering anything other than hot drinks. Their key areas of need are: - access, welcome, hospitality and adaptable space. Although it is possible to examine the different aspects of the proposals separately; it is important to remember that the project has been devised holistically and each aspect is linked to each other aspect with an overarching objective.

9. Project Costs

The petition includes an estimate of the costs of this project at £705,850 of which £333,000 is already pledged and fundraising plans are in place for the balance. The project is well supported in the community and by parishioners and I conclude that the Petitioners will be able to raise the necessary funds for its completion.

10. Public Notice and General consultation

The Petitioners have conducted extensive and widespread consultation with the parish and community during the years this project has been in preparation. The public notice requirements have been completed and there have been no communications of objections. The church yard works will necessitate disturbance of some graves and the plans will entail limited exhumation and reburial in the churchyard. I am satisfied that the building development group have taken all reasonable and possible steps to contact living relatives of those buried in the affected plots. No objections have been communicated.

11. The opposition of the Amenity Societies and Sheffield City Council

I do not consider that a detailed narrative of the history of the various responses to the various iterations of the Petitioners' proposals from The Georgian Society, the Victorian society, the Church Buildings Council and Historic England will enhance this judgment or assist the reader to understand the issues now for determination. A useful summary of the respective positions was prepared by the then DAC Secretary, Dr. Julie Banham on 17th September 2020, shortly after the rejection of the plans for the exterior as they were then by the Local Planning Authority, Sheffield City Council. The planning authority refused permission for the then proposed installation of solar panels and the creation of a new west end entrance.

The relevant paragraphs of Dr. Banham's summary read:

The most opposed proposal is that for a new west end doorway in the base of the tower. The DAC spent considerable time studying the responses and whilst it was supportive of the scheme the extent of opposition and the fact that the planning application was rejected means this aspect of the scheme is unlikely to succeed. The church has spent many years considering a wide range of alterations and the DAC is eager to see work on the ground begin. To enable the church to move forward with the majority of its plans a pragmatic approach to some form of compromise with the entrance seems the best way of achieving this.

.....

The Georgian Group

- *Objects to the installation of solar panels*
- *Objects to the creation of the new west end entrance.*

The Victorian Society

Objects to:

- *the proposal for solar panels but offered alternative sites for consideration,*
- *to the proposed treatment of the chancel,*
- *the recycling of the pulpit which should remain within the church intact*
- *flaws it sees in the access and rearrangement of the former organ chamber*
- *the proposed staircase to the tower area*
- *the curved design of the servery*

The CBC

- *Repeats its objection of 2017 to the concept and design of the west end entrance*
- *Notes planning refusal for solar panels and, welcoming the drive to reduce carbon emissions, invites the church to consider alternative sources including ground and air-source heat pumps or PV panels on the new flat or low-pitch roofs for the vestries which are screened by parapets.*
- *Disposal of the organ is not supported but, should it be agreed, objects to the proposed architectural treatment and access to the space created and advises redesigning*
- *Advises retention of the choirstalls*
- *Should the floor level be reduced, an assessment to be provided of how the impact of the new levels on mouldings and details of the architectural space will be mitigated.*

Historic England

- *Repeats its advice and argues for retention of the access through the current north entrance porch as it establishes a better visual relationship with the existing path and lychgate and more importantly, would allow the tower west windows, which are considered to be a particularly unusual example for the period, to remain unaltered in their proportions.*

Summary

In essence, major objections have been raised to proposals for the creation of a new west end entrance and the location of solar panels on the south roof. Planning consent for both solar panels and the new west end entrance has been rejected. Members had felt the new doorway acknowledged Furniss's original design and was generally in keeping with the building but the level of opposition is such that consideration of an alternative solution is probably the only viable solution.

- 12.** The Petitioners duly reflected and prepared different proposals. The plans for the installation of solar panels were withdrawn. The Petitioners submitted a new design for the west end entrance which entailed the retention of the diagonal headed window raised higher than its present level in order for it to sit over a new doorway formed of a simple two centred arch. The triangle headed window is one of three; there is one on each external side of the tower and is an unusual and distinct feature. The windows may not have been part of the original construction, but their unusual appearance is one of the distinct and attractive features of the church and attract speculation that they may have been a later design by Richard Furness. Internally at present the window over the proposed entrance is dissected by the floor of the ringing chamber. The revised proposal would site the window so that it could be seen in its entirety in the ringing chamber.

13. The Planning Authority – Sheffield City Council

The changed plans for a new entrance doorway in the west elevation of the tower and the other external works (now no longer including a solar array) were submitted for planning approval. The Report of the Planning officer as to that application is relevant and pertinent.

The authority received 35 letters of support from members of the public including a local councillor and also representations from the Georgian group and Historic England. The report notes the very many changes the church building had undergone during its history already.

The planning assessment's relevant paragraphs read:-

The proposal would create a new entrance in the west-facing wall of the church tower. The entrance door is proposed to comprise of a pair of vertically boarded oak doors with narrow diamond leaded glazing inset. These would be set in a stone surround with a projecting hood mould. The design requires the re-use and re-location at an increased height of the entirety of the existing middle pair of long, narrow, triangular-headed windows. This is a significant change from the previous application (and from the original plans received with this resubmission), which proposed to leave the windows in situ and reduce their length at the bottom to accommodate the new entrance.

The applicant has laid out a clear and considered argument, taking into account alternative schemes, that considers that a new west doorway is necessary in order to optimise the existing ground floor space where it is proposed to provide new toilet facilities within the existing entrance porch. This scheme also differs from alternative possibilities in enabling the desired internal alterations and re-organisation of space without the need for further extensions.

This proposal has been considered by officers in light of discussions with Historic England and other representations received, and the alterations proposed are seen to be more positive than the alternative schemes analysed by the applicant.

Whilst it is noted that the proposals will cause some disruption to the existing west elevation which, despite alterations to other elements of the church, has remained relatively unaltered since its construction, there are public benefits arising from the overall scheme that must be weighed against the level of harm that would be caused to the heritage assets of the listed building and the Dore Conservation Area.

Representations from interested parties highlighted that the proposed entrance would have an impact on the view and appearance of the west elevation, and on the intervisibility of the listed lychgate with the entrance. It is acknowledged that at present the west elevation and the tower are highly characterised by the unusual arrangement of three pairs of long triangular headed windows, with minimal other openings to detract from their significance; and that the new entrance, however well-designed and sympathetic to the character of the building, will cause some harm to the significance of the windows due to their proximity to each other in the setting. The level of harm to the listed building as a whole is considered to be less than substantial, whilst the harm to the wider Dore Conservation Area would be less still. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset (e.g. listed buildings or conservation areas), this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Representations from members of the public and Councillor Ross demonstrate that the church has both an active congregation and an active place within the local community. It is considered that this confers a degree of

local status and significance on the listed building that suggests that the preservation of the building for longer term use will result from the proposed alterations (and increased levels of accessibility) and will lead, in this instance, to the preservation of the Conservation Area as a heritage asset, due to the church's central location and significant contribution to its defining character. Conversely, the harm to the Conservation Area arising from the new entrance to the west elevation of the church is considered very minimal when balanced with the public benefits that would accrue from the development, including maintaining the long-established use of the listed building.

In further consideration of the balance between harm to the heritage asset of the building as a Georgian/Victorian church of local significance and national listing, and the stated public benefits of alterations and adaptations to suit modern usage, although the prominence of the central tower windows will be reduced, the impact on the building is considered to be less than substantial. As a result, the level of harm to the listed building is not so great as to warrant refusal of planning permission, especially in light of the sizeable public benefits that would accrue from development prolonging the building's use as a church, which is its optimum viable use.

Planning permission for the external works was therefore granted on 30th April 2021

As the report notes the Planning Authority retain control as to details of the development of the exterior as it goes forward if permitted by this judgment.

14. The present position of the Amenity Societies

The Georgian Group

The Georgian Group's views are in line with those of the Victorian Society.

The Victorian Society

The Victorian Society remain deeply opposed to all elements of the scheme under consideration but do not wish to become a party to the proceedings.

It is right to include much of their strongly worded email of August 2020 to Dr Banham the then DAC Secretary. The relevant paragraphs read:-

.....it is our view that the extent of the scheme is excessive and, in parts, unwarranted when considered in light of the information included in the Statement. Like the CBC we can see no genuinely compelling case for the proposed treatment of the chancel (probably the most concerning aspect of the scheme), whose stalls and floor should remain in situ. A dais and nave altar would address issues of visibility and access to the altar and is a tried and tested (and in this case surely uncontentious) solution that many churches adopt. We also remain firmly opposed to the recycling of fragments of the pulpit, which would result in the effective loss of one of the church's principal liturgical furnishings. If the nave is to be largely cleared of its bench seating (and this is something we are prepared to concede to) then the disposal of the pulpit becomes very hard to justify. It must remain in situ, or at least within the building, in a position of dignity.

Again we echo the CBC's comments on the aesthetic and architectural flaws of the proposed adaptation of the organ chamber. Quite apart from its visual inadequacies (and that the loss of the organ has not been justified) it is not clear quite how the additional space it would free up would really function, or that the space is actually required. The proposed floorplans suggest that it would not be a terribly practical space. One plan indicates that during services a music group might be awkwardly squeezed in and around the newly created opening. This is hardly convincing. It would represent a major intervention in every sense and it is unclear that the benefits arising from it would be anything but minimal. We would urge the omission of this aspect of the scheme.

The form of the proposed servery appears wilful and needlessly alien in the context, and, as I think we have pointed out previously, a curved volume is not always the most practical.

The Committee was frankly baffled by the proposed stair to the tower area, particularly in light of the weight that has been given in this case to the need for enhanced access. A stair without risers and even a handrail seems unwise, especially if it is to be used by school children.

The CBC

The CBC set out their latest view in a letter dated 21st March 2022 written by Mr Guy Braithwaite, Church Buildings Officer. The CBC do not wish to become a party in the proceedings. Mr. Braithwaite notes the changes to the proposals and comments in each case that they are an improvement. He recommends conditions as to the conversion of the tower clock to an auto wind mechanism and the finding of a new home for the organ with dismantling work to be carried out by an accredited organ builder.

Historic England

Historic England do not wish to become a party to the proceedings or make any further comment. They are content to leave the matter to the Court.

Their detailed letter of December 2017 sets out their reservations as to the removal of pews, choir stalls, pipe organ and pulpit and for the chancel and east elevation. I note that their more detailed comments predate the latest proposals for the interior

15. The Relevant Law

This church is a listed building and therefore the ordinary presumption is in favour of things remaining as they stand.

The pathway to a decision in respect of changes to a listed church is set out in what have become known as the Duffield Questions from paragraph 87 of the Court of Arches decision in respect of Duffield St Alkmund of 2013:-

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 not, 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.
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 listing building will any resulting public benefit (including matters such as liturgical freedom, pastoral mission, 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 be particularly the case if the harm is to a building which is listed Grade 1 or 2* where serious harm should only exceptionally be allowed.

16. Analysis and Decision

It would, in theory be possible to set out each of the multiple aspects of the proposals of the Petitioners and grind them through the mill of the Duffield questions one by one. I am unconvinced that is a useful exercise with regard to a plan which, as I have already noted, deserves to be looked at holistically. I consider it would be a poor outcome for this building if the Petitioners were obliged, piecemeal to retain features which substantially detract from the whole vision they put forward.

I propose therefore to examine the whole scheme against the Duffield questions and thereafter, if my decision were in favour of the whole scheme, to review those features to which particular objection is expressed by the amenity societies against the test but in the context of the overarching permission.

I consider the key to the proposal lies in the change of entrance from the North porch to the West end tower wall end involving the lifting of one of the three rare and striking triangle headed windows to sit over a new entrance. It is by the creation of the new entrance that the objects of openness, light, access and therefore welcome are to be achieved. The moving of the entrance from the North porch also permits use of the space constituting the entrance now, to install a new layout at that end of the church to create new toilet accommodation and a cleaner's stall.

There is no question that the changes which I have attempted to describe in the last paragraph constitute a radical change. However there is an argument that the proposed change, albeit radical, would not harm the significance of the church as a building of special architectural or historic interest because the impact would be to emphasise and enhance the visibility of one of the striking features of the building namely the triangle headed window which would become more visible and notable both from the outside and from the inside of the building. The window in the north tower would be elevated to sit over the new entrance. It is cut in half internally by the floor of the bell ringing room at present. Under the proposals it could be seen in its entirety from that room. There is therefore an argument that the changes whilst they do not preserve things exactly as they are do constitute conservation and enhancement of key features. Nevertheless, it is important to go through the Duffield questions on the arguable basis that change in and of itself amounts to harm.

The first question therefore is how serious the harm would be? I consider that the harm resulting from the overarching scheme would be moderate having balanced the likely enhancement of some features against the harm of the proposed changes

In considering whether the justification for the proposals is clear and convincing (the next Duffield question) I consider that the Petitioners have evidenced the undesirability of the existing arrangements. The present entrance is dark and inaccessible. The present toilet facilities are inadequate. The present kitchen facilities are inadequate. The proposals would remedy each of those issues. The benefit to the congregation and the community of an accessible, welcoming and light space is substantial. The Petitioners have evidenced during the planning process that it is the wish of the parish and the community for the church to become a more accessible, usable and welcoming space than it is at present. This would enhance the experience of those who attend to worship and facilitate much better promotion of events; both those which are held at present and others which would come in as a result of the proposals. I reject the suggestion that the aspiration to hold more and different events is speculative particularly having read the supportive comments gathered during a long consultation process and the planning process.

I agree with the reasoning of the Sheffield City Council planning officer.

I am satisfied that the overarching scheme for the creation of a new entrance incorporating the external proposals for the triangular headed window, the alterations to the existing entrance space to create new toilet and kitchen facilities is well conceived, justified and should be permitted when balanced against the apparent harm of the changes proposed.

17. Consideration and analysis of other and particular Features of the plans

North Tower Entrance

Removal of boxing for redundant clock weights on ground floor.

The CBC has recommended the boxing on the ground floor be retained. The plans include the clock's conversion to an auto wind mechanism. The timber boxing in the bell chamber will be retained.

I am satisfied that the retention of the boxing in the ground floor entrance lobby would obstruct accessibility and prevent the plans for automatic sliding inner glass doors. Applying the relevant questions I consider that the removal is justified.

The Petitioners propose to replace the present ladder access to the bell chamber to a spiral staircase set in the entrance lobby. The Victorian Society are concerned about the safety of such a proposal. I conclude, having read the submitted plans and specification that the Petitioners have made proper plans for the safety of the staircase which is of an attractive appearance and space saving. It is also, in terms of health and safety a considerable improvement upon the present ladder particularly for children and young people accessing the chamber. I approve the plan for the spiral staircase.

The Nave

The removal of pews from the nave has formed part of the plans from their inception and ultimately, been conceded by the amenity societies. However, the plan to remove the pulpit has caused consternation. The Victorian Society suggest that "it must stay" and argue that their concession in respect of pews should militate in favour of the retention of the pulpit either where it is or in a position of "honour" elsewhere. I do not see the link between a concession in respect of pews and an adamant insistence on the retention of the pulpit. The removal of the pews might well cause the pulpit to appear somewhat anomalous where it is with no other obvious location for it. The present pulpit was not an original feature and has been considerably altered, the Petitioners suggest to its detriment. The original pulpit was not located where the existing one stands. The parish propose to retain and use the panels of the pulpit as part of a credence table on the north wall of the chancel. I do not consider it an appropriate description of their plans to refer to the panels to be retained and so used as "fragments"

Applying the Duffield questions to this feature in the context of the plans overall I am satisfied that such harm as will be caused by its removal is justified in accordance with the test and commend the plans for the use of the panels elsewhere.

Flooring

The Petitioners propose to install a new floor in the nave and chancel of machined oak timber retaining existing stone flags in the central walkway and also reusing the black and white marble tiles of the chancel)

The Victorian Society object to such an installation in the Chancel requesting its existing flooring remain. The Petitioners object is to create a scheme which is accessible and which unifies nave and chancel.

Applying the relevant questions that the harm that resulting from the proposed changes to the floor is moderate and justified by the Petitioners both aesthetically and for enhanced accessibility. This decision is influenced by the Petitioner's proposal to retain and incorporate the stone flags and the existing marble tiles from the Chancel in the flooring.

The Chancel

The Petitioners' proposals include the removal of the 1913 rood screen, the 1911 pipe organ (and the associated false pipework) and the choir stalls of the 1879 reordering.

They also propose to lower the Reredos to correspond with the uniformly level flooring and to improve the view of the East window.

They seek authorisation for a new electronic organ which has, in fact, already been introduced and is in use.

These proposals, particularly the removal of the rood screen, organ and choir stalls are opposed by the amenity consultees.

The Reredos

The lowering of the Reredos is an inevitable consequence of my conclusions in respect of flooring. The lowering carries the advantage of enhancing the view of the East window without harming the impact of the Reredos. I consider that it is justified. The harm is minimal and the justification obvious.

The Rood Screen

I agree with the Petitioners' contentions as to the value of the rood screen and the necessity of its removal which I determine to be justified. The vision is for the whole church interior to appear unified and the rood screen, whilst it may be attractive in the setting of the church as it is, is of no great intrinsic value and were it to remain would detract from the objective of opening up and achieving unity of the whole internal space.

The Pipe Organ

I agree with the Petitioners' contentions with respect to the organ and consider its removal is justified. I note that it is currently unplayable and that the space which its removal will release will be valuable and used. I do urge the Petitioners to work with the DAC organ specialist to use their best endeavours to locate a new home for this good quality organ substantially rebuilt in 1970. Incidentally with this permission comes the necessary retrospective endorsement for the introduction of an electric organ.

The Choir stalls

The Petitioners wish to remove the choir stalls and replace the seating they provide with chairs that can be used more flexibly. The Statement of Need of May 2021 makes several assertions about the choir stalls and includes diagrammatic examples of different layouts that might be attainable with flexible seating. I note that only one of the example layouts requires the removal of the choir stalls. I consider the proposed removal of the choir stalls to be distinct in its merits and justification from the removal of the fixed pews from the nave. I am not persuaded that the objectives of the Petitioners to achieve a flexible space for worship and events and to create a church interior where there the nave and the chancel are more open to each other cannot be achieved with the choir stalls remaining where they are and left in use for smaller services in the chancel and for music whether during services or other events. I therefore decline, applying the Duffield principles to authorise the removal of the choir furniture. The harm of the removal is not outweighed by the justification. The plans properly include the retention of as many items and features as possible demonstrating the heritage and story of this church whilst advancing the Petitioners' vision for the future. I consider the choir stalls should be included in this category of heritage item retained and used.

Heating

The Petitioner's proposals include a new underfloor heating system and their present plan is that there a new more efficient gas boiler be installed. The Faculty Jurisdiction Amendment Rules of 2022 are now in force and although technically they may not apply to this longstanding matter it is appropriate for the Petitioners to review their proposals in this regard and have regard for the Net Zero guidance now in force and consider fully the alternatives to the use of fossil fuel for this church's heating and lighting I urge them to do so in consultation with the DAC.

Conclusion

As I hope is clear from the foregoing the Petitioners plans are substantially permitted apart from the removal of the choir stalls and subject to the DAC provisos of ongoing consultation. These plans have been almost 20 years in the planning and like the DAC I wish them God speed.

Sarah L Singleton QC

Chancellor

21st August 2022