

Neutral Citation Number: [2023] ECC Bl a 1



Faculty – Grade II listed North-East Lancashire village church c 1740, extensively altered in 1815-6 – Re-ordering to create a narthex room with a kitchen and an accessible toilet – Relocation of font and permanent removal of nine pews – Relocation of wardens’ pew and backboard – PCC fully supportive of proposal – DAC recommending proposal for approval – Objections from The Georgian Group which did not become a party opponent – Faculty granted*

Application Ref: 2019-033561

**IN THE CONSISTORY COURT OF
THE DIOCESE OF BLACKBURN**

Date: Monday 30 January 2023

Before:

THE WORSHIPFUL DAVID HODGE KC, CHANCELLOR

In the matter of:

St Mary, Newchurch-in-Pendle

THE PETITION OF:

THE REVEREND JULIE LESLEY SMITH (Vicar)

JOHN PARSONS (Treasurer) and

KATHLEEN WILKINSON (Churchwarden)

This is an unopposed petition determined on the papers and without a hearing.

Objections were received from **The Georgian Group** but they decided not to become a party opponent.

The following cases are referred to in the Judgment:

Re St Alkmund, Duffield [2013] Fam 158

Re St Laurence, Combe [2022] ECC Oxf 5

JUDGMENT

Introduction and background

1. This is an online faculty petition, dated 14 November 2022, by the vicar, the treasurer and the churchwarden to re-order the west end of this Grade II* listed village church to create a narthex room with a kitchen and an accessible toilet. The works include: the installation of an oak narthex screen under the organ gallery at the west end of the church with an entrance into the nave; the removal of the existing timber draught lobby leading from the south-west porch and the installation of a new glazed draught lobby; the removal of nine pews, shortening the pew platforms at the west end and installing stone flags to match the existing flooring; reconfiguring and extending the existing choir vestry along the north aisle to create a kitchenette and a multi-use toilet, with associated drainage; the removal and relocation of the wardens' pew and backboard from the south-west corner of the nave to the west end of the north aisle; the relocation of the font to the west end of the south aisle; and the reconfiguration of the heating pipes; all in accordance with G Fawcett Partnership's drawings numbered 2018-01-01, 07C, 09B, 10C, 11C, 13A, 14B, 2018-06-15A, 17, 2016-01-03, the Schedule of Works Rev 7 and design notes for Treske dated 14 August 2020; and a sketch design from Treske.

The church

2. The church of St Mary is situated in the Archdeaconry of Blackburn, between Clitheroe and Burnley, in an elevated position facing south across the Pendle valley. It was first listed on 29 January 1988. The listing entry reads:

Church, tower 1653 and nave, north aisle and south porch 1740. Hammer dressed, stone, ashlar to porch, slate roof. Tower of two stages separated by string. Large squared quoins, two of which are inscribed 'ID 1653' and 'IH CC BS NR'. At ground level, above moulded plinth, is small 2-light chamfered mullioned window: the belfry windows, which now have flat-faced mullions, may once have been similar. Embattled, parapet probably C19. Nave and aisle are coterminous and have raised ashlar quoins. Plinth frieze band. South front has 4 windows with elliptical heads, keystones and eared architraves. To left is porch with rusticated facade round-arched doorway with impost band and keystone, and pediments over. This protects a round-arched doorway with architrave, plinth blocks and keystone. Between the 3rd and 4th windows is a plaque, with similar architrave, inscribed: 'John Stephenson, George Hartley Thomas Varley Church Wardens 1740 Richard Broughton John Broughton Robert Wilkinson Matthew Crook Masons'. This stands over a low blocked doorway with similar detail. East end, which has quoins and moulded kneeler, has Venetian window with keystone. North front has 2 tiers of windows similar to south front. Sundial on south west kneelers, dated 1718. Interior: Large north and west galleries, that to north behind, a 6-bay Doric arcade. Open queen-post roof. Chandelier of 1756.

There is no reference to any pews in this listing entry. The entry for the church at pp 476-7 of the 2009 volume of *Pevsner's Buildings of England for Lancashire: North* (edited by Clare Hartwell

and Nikolaus Pevsner) only mentions the churchwardens' pew: *"Perhaps late C18, with the names of the districts, or booths, the parish is divided into, painted on the back."*

Statements of Significance and Need

3. The petitioners have submitted a detailed, illustrated 13-page **Statement of Significance** prepared by the church's appointed chartered surveyor, Mr Geoff Fawcett, and dated 26 October 2022. This assesses the importance, and impact, of the proposals, as follows:

The current proposals include (i) the conversion of the choir vestry into a disabled/multi-sex toilet, (ii) a separate small kitchen achieved by the removal of two rear pews of the north aisle, (iii) the removal of four rear pews, two at either side of the central aisle, and the construction of a glazed Narthex Screen running north-south along the line of the back pews, (iv) a glazed internal entrance with a pair of frameless glass doors to replace the existing wooden structure, (v) refurbishment of the porch entrance doors, (vi) the removal of two pews in the south aisle to facilitate the re-positioning of the font, (vii) the removal of a single pew in the north aisle to facilitate the re-positioning of the Wardens' pew and the Four Booths Display board.

Collectively, the proposed scheme will provide much needed amenities together with increased circulation space that will be available for multiple uses for both present and future generations.

There are no discovered records specific to the introduction of the current pews. The current pew arrangement is not described in the Faculty detail of 14 June 1816, and so consequently are mid-Victorian period or later, the style and modest design would certainly fit this time scale, and installed as replacements for the 'forms' referred to in the Church accounts of 1740. The removal of the nine bench pews are not of any notable significance in either workmanship or position and can only be described as functional. The construction of the linear arranged seating, back, squared bench end panels and top rails are at best of common pitch pine, and their removal would not significantly affect the heritage asset.

The Wardens' pew with a small hinged access door and fit along the rear of the west wall is not of the same matching style to the bench pews of the nave and north aisle. The position and fitting would suggest that it was purpose built to fit the available area at the time. It is proposed to remove the Wardens' pew and re-position it at the rear of the bench pews of the north aisle, facilitated by the removal of a bench pew.

The dedicated commemorative four booths display board above the seat back of the Wardens' pew is to be re-located with the Wardens' pew to the north aisle. The free standing double door fronted bookcase will be placed against the lower part of the new Narthex screen in a position close to the south wall to leave as much space as possible within the newly created circulation area, which is the basic principle on which we are making these proposals.

A toilet facility is an essential introduction in the modern age as with all buildings open to the general public, and with the added use of the under stair area it is possible, without any obstruction of the toilet use, to incorporate a baby changing facility. The area of construction that provides the toilet facility and kitchen is of a size that does not compromise the seating arrangements of the north aisle and the externally faced wall material proposed is similar in nature and appearance to the existing timber boarding.

Kitchen modest refreshments have proved to be beneficial following Church services etc and to promote Church activities and social events. With this in mind, a working kitchen of modest size would prove to be most beneficial, particularly from a health and safety perspective surrounding the preparation and delivery, and which would replace the somewhat current precarious practice of serving refreshments from the midst of the pews.

The entrance to Church is through a pair of internal doors at the rear of the south porch which open into a tight timber framed ‘darkened lobby enclosure’ of unknown age and importance, and a pair of doors leading into the rear of Church that are wedged open for Baptisms, weddings and funerals. The timber enclosure and doors are to be removed and replaced with glazed side panels fixed within bespoke oak frames and with a pair of frameless glass doors which can be operated either electronically or manually in both directions and fitted with a safety sensor. This system has been selected as being the most appropriate for all users and usages, gives maximum vision on entry and provides the most practical use of the area provided.

The Narthex screen is fully glazed with the glass panels fixed within an oak frame consisting of columns and arched heads and positioned along the line of the rear pews and approximately in line with the edge of the organ gallery over. A pair of frameless glass doors operates within the width of the central Nave pews and are manually operated to open through 180 degrees. A single glass door is located within the screen as the entrance to the north aisle. The design of the screen incorporates a number of similarities to specific features within the Church fabric and fittings, and richly illustrated by a repeat of the fluting of the gothic columns and gallery and have been incorporated into the design for the oak supporting columns of both the glazed screen and entrance enclosure. This is just one example of the care taken within the design proposals and other examples are expanded within the additional document - Narthex Design, and which as a predominant feature immediately seen upon entry into St Mary’s, totally justifies its presence as an important addition to the significance of the building. By removing four rear pews and installing a glazed screen a more open area is created that can be used for multi-purposes which does not affect the area of worship. The hexagonal stone font with circular hardwood cover is of 1902 origin, and located tight-fitting against the back

of pew C1 and close to a cast iron support column of the balcony. The removal of pews S3 and S4 will enable it to be re-located to a more openly accessible position along the south wall overlooked by a stained glass window on that elevation.

Refurbishment of porch entrance doors and frame to be cleaned in-situ, hinges and locks checked and any adjustments made.

4. Mr Fawcett has also prepared a detailed **Statement of Need** dated 26 October 2022. Under the heading *'Assessment of Need'*, this explains that:

There is an urgent need for the provision of toilet arrangements for members of the congregation and the numerous visitors of all age groups. Following services and other gatherings there is an increasing need for a modest kitchen in which to prepare and serve liquid refreshment and to have a small, designated area for the distribution and consumption of refreshments.

The rear of Church is a congested space, particularly around the secondary internal entrance and the area around the font and is a permanent source of difficult negotiation at the end of services, where the Vicar and visiting clergy and dignitaries stand to express greetings etc to the exiting congregation. As this is the only means of escape the proposals will greatly improve both entry and egress and subsequently increase the safety of people attending and visiting. The removal of a number of pews at the rear to allow for the installation of a Narthex Screen creates a more usable community area and would provide a much-needed improvement for modern day usage for events, e.g. children-based services, concerts and celebrations which would all benefit from toilet and kitchen facilities, and an enlarged gathering space. It is also an opportunity to relocate the font into a position where the baptism service can be performed in a more spacious environment.

The Church is in an area where some new housing is under construction and therefore an increasing population, and to spread the word of the Lord and bring more people to attend worship and events requires a community focal point, rooted in Christian beliefs and usable by the local community.

5. The section headed *'Assessment of Proposals'* reads:

The combined Faculty proposals include: the conversion of the choir vestry into a disabled/multi-sex toilet and by the removal of two rear pews in the north aisle sufficient adjacent space will be created for a small kitchen; re-ordering of selected rear pews at either side of the nave aisle and the construction of a glazed Narthex Screen will provide an increased area of much needed circulation and amenity space for multiple uses; the replacement of the enclosure and double doors, currently a secondary entrance, by a new fully glazed enclosure with a pair of glass doors set within timber columns that are matching to the Narthex screen; refurbishment of the main Church doors at the rear of the open porch. The

removal of two additional pews at the rear of the south aisle and in front of the proposed Narthex screen will facilitate the relocation of the font into an area that allows the baptism service to be both performed and observed.

The need for the provision of toilet arrangements within the Church Building is for all age groups and disabilities and which in addition will provide baby changing facilities.

The creation of additional space at the rear of Church will be greatly assisted by the relocation of the Wardens' pew which currently occupies the space immediately to the left of the internal entrance door.

Alternative approaches to the possibility of providing the requirements by means of an extension/extensions has been given wide consideration. An extension to accommodate a toilet facility with the continuation of a level floor is unachievable as the Church is built into the hillside leaving only the south facing elevation available. Any extension along this frontage irrespective of its design, would be totally unacceptable to the listed grade II* status. The Vicar's vestry as a space is neither large enough nor accessible. Constructing a single room built for use as a disabled toilet within any other area of the ground floor layout is totally insupportable in both concept and reality. Use of the gallery level would require the installation of a lift and quite simply put there is no adequate siting for such an installation as the rear of the Church is occupied by the pipe organ. The preferred option is for a more purposeful use of the choir vestry, long since redundant as the choir membership has unfortunately declined over the years and a more structured use of this space to provide a WC and an adjacent small kitchen by the removal of two pews.

The rear of Church is a congested space around the entrance/exit doors and Churchwardens' area, particularly at the end of services where the Vicar and Visiting Clergy and dignitaries stand to express gratitude and greetings, etc to the exiting congregation. The removal of a number of pews (PCC would sell these on as an alternative to storage) at the rear creates a more usable community area along with the construction of a Narthex Screen providing a much needed improvement for modern day usage.

The entrance to Church is through an enclosed timber lobby and a pair of internal doors at the rear of the south porch which open into a tight timber framed 'darkened lobby enclosure' of unknown age and importance, and a pair of doors leading into the rear of Church that are wedged open for Baptisms, weddings and funerals. The timber enclosure and doors are to be removed and replaced with glazed side panels fixed within bespoke oak frames and with a pair of frameless glass doors operated both electronically and manually in both directions and fitted with a safety sensor system, which has been selected as being the most appropriate for all users both able-bodied and with various disabilities, and which gives the maximum vision on entry and providing the most practical use of the area provided.

Relocation of the font has been thoroughly discussed and three areas of possibility considered, one along the south wall and the other two at the east end near the Vicar's vestry. The south wall location was the preferred option, the other two presented equal difficulties, one of adequate floor strength and further pew removals and the other an area where the small chapel is used fairly regularly.

The changes proposed are very modest when compared with some of those experienced over the centuries following the consecration of the Church in 1544. This earlier building was substantially demolished in the mid-C18 and replaced with a much larger building to accommodate the increasing population, the single span roof of this Church was removed in the early C19 to be replaced by the pitched roof over the nave together with an additional pitched roof over the raised gallery above the north aisle. It is reasoned that the pews were installed around this later period, the pew ends and back mouldings and general construction would support this time line.

The Wardens' pew located against the west wall, is of similar age.

The period and enormity of changes recorded over the last 477 years, including the progressive construction of the tower, have all contributed to the character and significance of the building and it could be argued that whatever changes are proposed, irrespective of size and nature, would result in some harm. In order to survive the Church must move on, as it has always done over the past centuries, and any harm created by these proposals outweighs the argument to do nothing, and we are not in an age where standing still is an appropriate option. The proposals will make a considerable contribution towards St Mary's mission for Vision 26.

Consultation

6. The Diocesan Advisory Committee (the **DAC**) have consulted on the proposals. **The Victorian Society** did not wish to comment on the proposals. **The Society for the Protection of Ancient Buildings (SPAB)** wished to defer to the Victorian Society and the Georgian Group.

7. **The Church Buildings Council (the CBC)** was grateful for the details provided regarding the church and its layout, which were said to give a clear picture of the proposals and their potential impact on this Grade II* listed interior. The CBC was supportive of the works, and only wished to make the following comments:

The Council acknowledges that the west end of the church is a cramped and dark space, which would benefit from a glazed entrance and improved lighting. Replacing the leatherette studded doors of the draught lobby with glass will lighten the space considerably.

Overall, the Council notes that the church will remain a predominantly pewed space, and has no objection in principle to the removal of four nave pews, which will allow space to circulate around the font. The statement of significance includes information on the date of the pews (a functional design in pine relating to the reordering work of 1816); however, it suggests

that a more thorough assessment would help in assessing the impact of their removal. In particular, the wardens' pew, which does not match the other pews in the church, is of marginally higher significance and is in need of repair. The Council recommends that a more detailed assessment includes information on the wardens' pew, with a clear proposal for its destination and/or repurposing.

The glazing-in of the gallery to create a narthex space is acceptable, and potentially reversible. The Council would only suggest that the decorative elements of the glass be kept to a minimum so that the work does not become 'dated'.

The kitchen and toilet design are discreet, all accessed from the glazed narthex, and the Council has no comment on these.

Once this space is enclosed, it will be a useful space for hospitality, and there will be space to gather around the font. It would be useful for the parish to consider carefully whether access to the font is the priority, or flexible space for gatherings and meetings, as the space provided may not be able to accommodate both successfully.

Overall, the Council commends the parish for a well-considered reordering proposal and is content to defer further consideration to the DAC.

The CBC was re-consulted when the DAC proposed relocating the font from the north-west end of the church to the west end of the south aisle in front of the proposed new narthex screen so as to create a new baptistry area within the nave. The CBC remained content to defer to the DAC.

8. In their initial response, dated 6 September 2022, **The Georgian Group** stated that they had no objection in principle to the proposed works but they raised the following concerns with the scheme:

St Mary's is a fine example of an early eighteenth-century church built c.1735 with later extensions and alterations. The building was reordered c.1816 and the pews likely replaced at this time.

The Georgian Group is particularly concerned by the proposed removal of pews, and we offer some advice on the introduction of the narthex screen. We raise no objections to the proposed conversion of the choir vestry into toilets and kitchen

With regard to the proposed removal of pews, we echo the concerns of the Church Buildings Council as expressed in their letter of 2 September 2022. Whilst we have no objection in principle to the proposed removal of the nave pews, we advise that greater detail and a more thorough assessment of the pews to be removed would be useful in determining the impact that their removal would have on the Church as a heritage asset. We especially recommend that more information is needed about the age, condition and significance of the Wardens' Pew which is of a different style and is

therefore of a greater significance. It remains a possibility that the Wardens' Pew is earlier and may be associated with the 1735 rebuild.

The Group raises some concerns that the proposed narthex screen would create a disconnection between the new proposed circulatory area at the west end, and the rest of the church which would harm the historic layout of the church. We further note that the Statement of Need considers the interior to be congested and we are concerned that the introduction of the narthex screen will mean that the church will feel even more compressed and congested. We advise that to mitigate these concerns, the design of the narthex screen should be as light weight as possible with minimal decoration to the glazing allowing easy intervisibility and flow of light between the main body of the church and the proposed circulatory area.

9. Following receipt of this initial response, the DAC reconsulted the Georgian Group on the proposed works, providing further details about the pews. The Group made a site visit to examine the pews on 22 September 2022. Having reviewed the revised proposal, the Group raised the following concerns with the scheme:

St Mary's is a fine example of an early eighteenth-century church, built c.1735 with later extensions and alterations. The revised proposal is to reorder the church to allow the creation of a narthex as a circulatory/social area at the west end of the church. The proposal will involve the removal of eight bench pews and the wardens' pew, and the relocation of the font.

Pews

Following The Group's site visit on 22 September 2022 we must advise that we have determined the pews to be of some significance contributing strongly to the special significance of St Mary's as a Grade II listed Heritage Asset.

Wardens' Pew

The Wardens' pew we believe to be of late-eighteenth-century or very early-nineteenth-century date, and we advise that it has considerable significance and interest due to its painted backboard naming the settlements of the parish. Following consultation with The Group's head of casework, this is believed to be a particularly rare and possibly unique survival. The Group therefore largely concurs with the date proposed in *The Buildings of England: Lancashire North* as late-eighteenth-century. Given this high significance, The Group strongly advises that the Wardens' Pew should be retained in situ.

Bench Pews

The Group concurs with the further information provided stating the bench pews to be of early-nineteenth-century date and we advise that following our site visit we believe that the pews are likely of c.1830 date (possibly slightly earlier) and are therefore either late-Georgian or very early-Victorian. The pews have some significance as an early-nineteenth

century matched set and we advise that as many as possible should be retained in situ to maintain the completeness of the set.

The Group however objects to the proposed removal of eight of these pews as significantly eroding their significance as being part of a largely complete set. The Group does however acknowledge that a few of the pews could be reasonably removed and we advise the initial proposal to remove six is more acceptable, though it would be preferable to remove fewer if possible.

Relocation of Font

Whilst The Group recognises the need for relocating the font, we must advise that this relocation would cause significant harm by necessitating the loss of two extra bench pews (S3 and S4). The Group does register some confusion about whether this will be a temporary measure with the intention to return the font to its original position, within the newly created narthex, following the works. Returning the font to its original position would allow the reinstatement of pews S3 and S4.

We advise that further clarification on this element of the proposal is needed. We further advise that we strongly object to this being a permanent relocation due to the harm that it would cause necessitating the loss of two bench pews.

Other

The Group advises that our former advice regarding the design of the proposed narthex screen as presented in our letter of 6 September 2022 is maintained.

Conclusion

In summary, The Group advises that the pews are of some significance due to their communal value as comprising a well preserved early-nineteenth-century set. We strongly object to the removal of the Wardens' Pew and advise it should be retained in situ as a potentially unique example. We also object to the loss of eight bench pews and advise that the loss of six, as originally proposed, may be considered as a maximum acceptable loss without causing irreversible harm to their significance and the significance of the church as a Grade II listed heritage asset.

10. The DAC later provided clarification that

- (1) The painted backboard displaying the names of the parishes was not part of the pew or attached to it, sitting above the pew attached to the wall. It was to remain in-situ, with only the pew itself to be removed.
- (2) The relocation of the font would be permanent and not moved back after the narthex screen was installed.

This provoked a further response from The Georgian Group, as follows:

With regard to the Wardens' Pew: Although the pew and backboard are separate, the matching proportions indicate that they are both in original position and we advise that their significance should be considered in combination. Wardens' Pews are not uncommonly accompanied with painted backboards naming the office holders permitted to occupy the pew, so we advise that the two elements should be considered part and parcel of a Wardens' Pew. Whilst The Group acknowledges the backboard is to be retained in situ, it would be decontextualised by the loss of the associated pew. We therefore advise that trying to separate these elements by removing the pew from the board would still cause considerable harm to the historical significance of the church.

With regard to the font relocation: Thank you for clarifying that this would be a permanent relocation. As noted in the letter, The Group strongly objects to this relocation as necessitating the loss of two extra bench pews above and beyond the originally proposed six to be removed. We advise that the font is retained in situ within the newly created Narthex.

The DAC

11. At a meeting of the Diocesan Advisory Committee, held on 12 October 2022, the DAC recommended the works for approval by the court despite the objections from the Georgian Group for the following reasons:

(1) It was the DAC who had suggested the additional pew removal as part of its advice to relocate the font following objections to the font remaining in its present position at the west end. The removal of the additional two pews would enable the creation of a baptistry area within the nave and balance the remaining pew configuration in the north and south aisles.

(2) Once the narthex screen was in position, the large number of retained pews would give a visual completeness to the pew arrangement. It would therefore not be significantly noticeable that so many pews had been removed as part of the proposed works.

(3) The DAC considered that the PCC had engaged constructively with the comments from The Georgian Group. It had produced further evidence on the provenance of the pews and reworked the proposals to provide a suitable compromise by relocating the wardens' pew and back board at the west end of the north aisle.

12. In their Notification of Advice, dated 4 November 2022, the DAC acknowledge, and advise, that these latest proposals are likely to affect the character of the church as a building of special architectural or historic interest. Notice of the proposals has therefore been published in accordance with rule 9.9 of the Faculty Jurisdiction Rules as amended (the **FJR**). No objections have been received in response either to the rule 9.9 notice or to the display of the usual public notices (which expired on 15 December 2022).

13. Special notice was given to The Georgian Group, inviting it to become a formal party opponent to the proposed scheme of works but the Group has declined to become a formal objector to the scheme. The Group has advised that it has no further representations or comments to offer on the proposed scheme of works beyond those offered in their previous emails.

The legal framework

14. At this point, it is convenient for me to set out the legal framework by reference to which this faculty petition falls to be determined. Since the church of St Mary, Newchurch-in-Pendle is a Grade II* listed church building, I must have regard to, and apply, what have become known as the *Duffield* guidelines (named after the decision of the Court of Arches in the leading case of *Re St Alkmund, Duffield* [2013] Fam 158), as explained and expanded in later cases. It is sufficient for me to refer to (and paraphrase) the following summary of the relevant principles (as they apply to a Grade II* listed church) taken from my recent decision in the Diocese of Oxford in the case of *Re St Laurence, Combe* [2022] ECC Oxf 5 (at paragraph 19):

“... for the purposes of the present case, which concerns a Grade [II] listed church building, I must consider:*

(1) The degree of harm that these proposals, if implemented, would cause to the significance of the church as a Grade [II] listed building of special architectural or historic interest; and*

(2) Whether the petitioners have demonstrated a clear and convincing justification for their proposals, in terms of any resulting public benefits which would outweigh that harm.

In doing so, I have to bear in mind:

(a) That the burden rests on the petitioners to demonstrate a sufficiently good reason for making any changes to this listed church building;

(b) That the more serious the harm, the greater the level of benefit that will be required before the proposed works can be permitted;

(c) Since this building is listed Grade [II], only exceptionally should serious harm be allowed; and*

(d) Whether the same, or substantially the same, benefits could be obtained by other works which would cause less harm to the character and special significance of this church building.

Analysis and conclusions

15. Since this is an unopposed faculty petition, I am satisfied that it is expedient in the interests of justice, and in furtherance of the overriding objective of the FJR of dealing with this case justly, cost-effectively, proportionately, expeditiously and fairly, for me to determine this petition without any hearing, and on the basis of the written, diagrammatic and illustrative materials that have been uploaded to the online faculty system and are available to the court. I also share the view of the CBC that those materials give a clear picture of the proposals and their potential impact on this Grade II* listed interior so that it is unnecessary for me to undertake a view of the church building or its interior and fittings.

16. Consistently with the views of the CBC, and the advice of the DAC, and notwithstanding the points so clearly and helpfully made by The Georgian Group (for which I am grateful), I am entirely satisfied that the petitioners have made out a good and sufficient case for the grant of this faculty. I agree with the DAC's reasons for recommending this faculty application for approval, notwithstanding the concerns of The Georgian Group. The parish, and the DAC, are

to be commended for their willingness to listen, and respond appropriately, to those legitimate concerns. The Victorian Society have declined to comment on the proposals; and SPAB and the CBC have been content to defer to the views of the DAC, who have recommended the proposals for approval by the court, and provided cogent reasons for doing so, despite the objections raised by The Georgian Group. The DAC are a specialist body required by s. 37 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 to advise the Chancellor on matters relating to the grant of faculties. They must review and assess the degree of risk to materials arising from proposals (amongst others) relating to the alteration of places of worship or their contents. In this case, the DAC recognise, and they have advised, that the proposals are likely to affect the character of this church as a building of special architectural or historic interest. Despite this, they are content that all the elements of the present reordering proposals are fully justified, and supported by appropriate evidence; that the present reordering scheme is the least harmful way of achieving the aims and aspirations of the parish; and that any harm to the significance of this church is likely to be outweighed by the public benefits to be generated as a result of the proposals. They have therefore recommended those proposals for approval by the court, and have provided cogent reasons for doing so (which I have recorded at paragraph 11 of this judgment). Just as I should not simply ‘rubber-stamp’ the considered and reasoned views of the DAC, so should I not disregard them without good reason.

17. The petitioners have satisfied me that the proposed works, whether viewed individually or as a composite whole, will cause only the most moderate harm to the setting, the appearance, or the character of this church as a building of special architectural and historic interest. The only proper basis for challenging any element of the proposed works relates to the extent of the pew removal. So far as the nine standard pews are concerned, they are probably of very late Georgian, or early Victorian, creation, and they are of a functional design in pine. Like the CBC, I consider that, after their removal, the church will still remain a predominantly pewed space, with its historic appearance and character preserved. So far as the wardens’ pew is concerned, this will be retained within the church, albeit in a different, but equally appropriate, place, together with its backboard. I am satisfied that no harm will be caused by their relocation.

18. I am also satisfied that the petitioners have demonstrated a clear and convincing justification for all of their proposals, in terms of the resulting public and pastoral benefits that will ensue in terms of the church’s worship, mission, and community outreach. The removal of all nine pews, and the relocation of the wardens’ pew (which should remain united with its backboard), is required to enable the creation of the narthex room, the new toilet and kitchenette facilities, and the creation of a suitable baptistry area around the relocated font, which should not remain as an isolated feature within the narthex room, but should be moved forwards into the worshipping area of the church in the nave.

19. In addition, I am satisfied that this justification far outweighs any harm that the removal of all nine pews, and the relocation of the wardens’ pew and its backboard, may cause to the significance of this church building.

20. The petitioners have also satisfied me that same, or substantially the same, benefits could not be achieved by any other works which would cause any lesser degree of harm to the character and special significance of this church building. It is clear that a great deal of thought has been given to mitigating the impact of any harm to the church building, and that, assisted by the DAC, the parish have arrived at a set of proposals that should succeed in satisfying their needs and aspirations. The proposed reordering will have no impact on the existing footprint of

the church building, and it will involve no visible external changes to it. It will not affect any of the existing fittings or features except for the removal of the minimum number of pews, and the relocation to suitable places within the church of the wardens' pew and the font. These are a small, and appropriate, price to pay for the resulting benefits.

21. For these reasons, I will grant the faculty as asked. The faculty will be subject to the conditions that:

(1) Before commencing any works, the parish are to: (a) satisfy the archdeacon that they have sufficient funding available to complete the works; and (b) notify the church's insurers; and they are to comply with any recommendations or requirements that those insurers may make or impose.

(2) Before any alterations are made to the interior of the church building, photographic records and plans of the current interior, the seating arrangements and the gallery, are to be deposited in the church records, the DAC's records, and the local Historic Environment Record for future reference by scholars and the local community. In order to comply with this condition, reference should be made to Historic England's Understanding Historic Buildings: A Guide to Good Recording Practice (May 2016).

I give the petitioners permission to apply to the court, by letter to the Registry, for any further directions as to the carrying-out of this faculty, or for the variation of this faculty, in the event of any difficulties presenting themselves. The works are to be completed within twelve (12) months of the grant of the faculty, or such further period as the court may allow. In the usual way I charge no fee for this written judgment.

David R. Hodge

The Worshipful Chancellor Hodge KC

Monday 30 January 2023

The Wardens' Pew and Backboard



Pews S1 and S2 in the south aisle

