

IN THE CONSISTORY COURT OF THE DIOCESE OF LIVERPOOL

IN THE MATTER OF ST ANNE, AIGBURTH

SIR MARK HEDLEY, CHANCELLOR

JUDGMENT

1. This is a petition relating to the proposed re-ordering of this church. The schedule of works proposed is described in the petition thus – “to undertake the following: to install an electronically operated retractable projector screen, to be installed behind the chancel arch; to install a projector which will be discreetly mounted in front of the screen on one of the roof beams; to install four monitors to be positioned so as to be clearly seen – two from the altar and two as shown on the plan of the proposals; the removal of part of one pew (from the rear the fourth on the left) to accommodate the PA/AV mixing desk; to upgrade the current PA and loop systems.” These proposals have the support of both the PCC and the congregation and the DAC recommended the works by a certificate dated 5th of August 2014.

2. The proposals are opposed in part by English Heritage and the Victorian Society. However, neither organisation wishes to become a party opponent and is content for the matter to be dealt with by the Chancellor taking full consideration of their representations. In those circumstances I have concluded that this matter can be resolved on the papers as all parties have indicated they have no further observations to make and I have conducted an inspection of the church.

3. The church of St Anne was built in 1836 – 37 to a design by Cunningham and Holme. It was founded by a group of local merchants and consecrated in 1837. Various additions were made to the church in 1854, 1894 and 1914. The church is listed grade II* and is built in ashlar stone with a slate roof in Norman revival style. The church is clearly of historical significance, hence its listing.

4. It is clear that neither of the Heritage bodies seek to take issue with any part of these proposals save for the installation of the four monitors. It is right to record that the proposals have been varied to take account of some suggestions made by English Heritage. The essence of the objection is explained in a letter from English Heritage dated 29th of January 2014 as follows –

“The proposed monitors are more intrusive due to their permanent visual effect on the interior. However, we accept the need for the two monitors on each west elevation of the transepts is necessary for the practical execution of services and other events. We would encourage you to explore an option where they were fixed to the balustrades of the balconies instead of the walls in order to minimise the impact on the historic fabric and meet the reversibility criteria. We do however have concerns with the visual impact of the monitors proposed in the chancel and do not consider the justification robust enough to support this part of the proposal.”

The objections of the Victorian Society are effectively the same though their maintained objections include all four monitors.

5. I conducted an inspection of the church on 14 January 2015 in the presence of two of the applicants. I developed an accurate appreciation of these proposals and was able to assess their visual impact. Given that the current proposals, save for the monitors, attract widespread support and no objection, I do not need to do more than observe that nothing I saw gave me any anxiety. As to the monitors, I deal first with those in the transepts. They are to be mounted in such a way that the monitors will only be visible from the transepts and chancel and cannot be seen by the bulk of the congregation in the nave. The proposal is to secure them by a bracket and screws and although that will involve impinging on the wall surface, it is a surface which has received treatment in the past because of the incursion of water. Given the ability to restore and repair the surface, it seems to me that these proposals are in truth reversible.

6. I turn then to the proposed monitors in the chancel. They are to be mounted in such a way that they will be visible only from the altar and within the chancel. They cannot be seen either from the transepts or from the nave of the church. It is proposed to secure those in the same way and the same comments as above apply.

7. Before I come to consider the competing merits in this matter, it may be helpful to outline the law which I am bound to apply. It is common ground that all the work the subject of these proceedings cannot be undertaken without a faculty. It is also common ground having regard to the grade II* status of the church, a strong case will need to be made for change and, the more the change impacts on the significance of the building, the stronger will have to be the case in support. I have in mind the case of St Alkmund, Duffield. That decision is binding upon me. In paragraph 87 of the court’s judgment, there is set out a framework of questions which should govern the approach of chancellors in individual cases – (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 the first question 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 nature of the proposals. (3) If the answer to the first question is yes, how serious with 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 the listed building, will any resulting public benefit outweigh the harm? In answering this question, the more serious the harm, the greater will be the level of benefit needed before the proposals should be permitted.

8. The court is not bound by the secular regime in respect of listed buildings. However, in paragraph 39 of this judgment, the chancellor is reminded that secular regulation should be specifically taken into account in as informed and fair manner as reasonably possible. In the context of this particular case, I am not sure that that adds significantly to the task that I have set out in the preceding paragraph.

9. This case raises again the familiar but important tension between the obligation to pass on to succeeding generations what has been inherited from the past and the need to provide and enhance facilities for worship for both actual and anticipated congregations. The whole thrust of the applicants' case is that these developments are required to facilitate styles of worship which will not only be helpful to the present congregation but attractive to those who may in due course become members. The fact that the tension is familiar does not make it any the less difficult.

10. I am satisfied that these proposals would impact on the significance of the church as a building of special architectural interest. To that extent some harm will be occasioned. It is right that the Heritage bodies should have drawn attention to this fact. On the other hand, I am not satisfied that this harm will be serious. The monitors will have only a limited visual impact, as described above, and I am satisfied that they may properly be described as reversible. Their removal will not involve work significantly different from that which has had to take place in the past on the internal wall. In that context, the question is whether the applicants can establish that the balance falls in their favour.

11. This church has a large and growing congregation. It is desired to provide for paper-free worship. This can be achieved by the use of the screen for those in the nave. I am satisfied that the screen will not be readily visible to those in the transepts and thus there is a good case for the monitors so required there. That is of course recognised by English Heritage. The real issue is the presence of monitors in the chancel. If monitors are not there, it follows that those in the chancel would have to use paper copies and the celebrant would not be able to see what is on the screen unless he were prepared to work from a private electronic device. I am satisfied that the aspirations of the church are reasonable and legitimate. I accept that for consistency of approach, the presence of monitors in the chancel makes good sense from a liturgical and evangelistic point of view.

12. I have reflected on this with great care. In the end I have concluded that I should grant the faculty sought. Although I accept that the monitors will have an impact which could be described as harm, I am persuaded both by their very limited visibility and the reversibility of the project and the liturgical needs of the church that those needs significantly outweigh the modest harm which may be caused. Accordingly I grant a faculty in respect of all the works contained in this petition.

Mark Hedley

Chancellor

27 January 2015