

BILTON: ST. MARK

JUDGMENT

- 1) St. Mark's, Bilton is a Grade II* church. The chancel and nave are medieval but there was a Victorian restoration by G F Bodley. In particular this restoration resulted in the addition of the north aisle in 1872 (or thereabouts – I note that the dates 1871 and 1873 are also given for the addition of the north aisle). A south aisle was added in 1962. The church is surrounded by a large churchyard.
- 2) The Petitioners (the Rector and churchwardens) seek a faculty for the installation of a mezzanine floor in the north aisle. There has been no formal objection to the petition but there have been a number of representations as set out below.
- 3) The north aisle has two stained glass windows: one on its north wall and the other at the west end of the aisle. At the east end of the aisle a former chapel has been modified to house the clergy and choir vestries. On my site visit on a February afternoon the north aisle appeared somewhat darker than the nave or south aisle but it is undoubtedly a very fine feature of this attractive church and contributes to the overall impression of space.
- 4) In addition to considering the representations set out below I have had the advantage of visiting the church on 2nd February 2012. On that occasion the Rector, Revd Timothy Cockell, and the chair of the church's Property Group, Mrs. Chrysanda Gilbert, pointed out to me the existing features of the church (and in particular of the north aisle) and identified the extent and intended location of the proposed floor.

The Proposed Works.

- 5) The Petitioners seek to install a mezzanine floor which would cover the entirety of the north aisle stopping just short of the vestries. The lowest point of the floor would lie at the springing points of the arches dividing the

north aisle from the nave. The new floor would be connected to the existing structure of the church by pressure pads. The floor would be accessible from the north porch. There would be a timber floor and the space above that floor would be glazed in a similar manner to the tower. The intention would be that the space created by the insertion of the mezzanine floor should be capable of being used as one room but also of being divided into two rooms.

- 6) What would become the ground floor of the north aisle would be unaffected save for having a mezzanine floor above it and containing the structures supporting that floor. However, the mezzanine floor would take up the entirety of the north aisle. The upper part of the wall of the aisle bears hatchments and a tablet containing a quotation from the psalms. The Petitioners propose relocating those to the wall of the south aisle. However, the stained glass windows would not be moved. Instead they would be transected by the floor which divide the lower third of each window from the upper two thirds.
- 7) The Petitioners point out that the glazing of the mezzanine floor would enable an impression to be formed of the scale of the north aisle. However, there would undoubtedly be a loss of a sense of space and openness. In addition the insertion of the floor would prevent the stained glass windows from being seen in their entirety.

The Purpose of and Need for the Proposed Works.

- 8) The congregation of the church is growing rapidly and this growth includes a number of younger families. The church is blessed in the attendance of growing numbers of children and young people. These young people typically attend the 10.00am Sunday service which is the principal communion service of the parish. The average number of young people attending is in the 30s though the numbers can rise to the high 40s. The Petitioners seek to provide suitable accommodation which would enable these young people to be close to the service taking place in the Church but which would also enable a division into appropriate age groups. The current arrangements involve use of the Church Centre with a crèche

being held in a ground floor activities room alongside the 4 – 7 years group. A group for 8 - 11 year olds meets in an upper room in the Church Centre. The Church Centre is just outside the churchyard. A group for 11 – 15 year olds meets in the rectory.

- 9) The core reason why the Petitioners seek to install a mezzanine floor is to create a space where the young people can meet during the service with that space being divisible itself and distinct from the body of the congregation while being sufficiently close for the young people to be easily integrated into the body of the service. In addition to provision for the young people the Petitioners point out that the mezzanine floor would be accessible from the new north porch and believe that it will provide a venue for parochial and community events and related activities.

The Parish's Consideration of other Possibilities.

- 10) The Parochial Church Council originally considered providing space for the presence of young people by the construction of a building to the north of the church. Planning permission would have been required for this. There were a number of meetings and discussions with the Council's planning officers. It became apparent that permission was unlikely to be granted for a building immediately adjoining the church. The planners indicated that a gap of at least 20 metres would be required and that it would not be possible for such a building to be joined to the church by a covered walkway. The PCC felt that it would not be worthwhile installing a building which would be at some distance from the church and which was not connected to it by a walkway. In addition it doubts whether funding for such a venture could be obtained in the current economic climate.
- 11) No formal application for planning permission was made and so we cannot be certain that permission would have been refused for a building adjacent to the church. However, the documents before me contain an assessment by the Council's officers. This shows the force of the opposition to the suggestion of a building adjoining the church and I must conclude that it is (at best) unlikely that planning permission would be given for such a building. Thus the assessment by the Council's

Conservation Officer recorded that “*the church sits within a spacious setting and this contributes to the building’s landmark quality and visual dominance. The ability to gain a wide view of the north elevation from a number of positions helps with experiencing the scale and grandeur of the composition.*” It is not clear to me that a faculty would have been granted for such a building even if planning permission were to have been obtained. I very much doubt that a faculty would have been granted for such a building at a distance from the church and connected to it by a walkway because such a development would clearly have had a major impact on the churchyard and also on the appearance of the church itself.

12) Consideration was given to installing a mezzanine floor over the south aisle instead of over the north aisle. The south aisle is a more recent addition to the church but it was felt that the installation of a mezzanine floor over this aisle would be more intrusive. It would be above the principal entrance to the church and would impact on both the west window and the Lady Chapel.

13) Work has already been carried out by way of rebuilding the north porch and thereby creating toilets and a servery.

Representations.

14) The Victorian Society has consistently opposed the proposals for installing a mezzanine floor in the north aisle. That Society has decided not to become a party to the proceedings but has exercised its right to ask for account to be taken of its representations. Those representations can be summarised thus.

a) On 9th September 2009 the Society quoted Michael Hall (the author of a monograph on Bodley) as describing Bodley’s work here as “*a major and early restoration*”. It said that the transecting of the windows of the north aisle “*would be particularly unsatisfactory*”.

b) On 25th March 2011 the Society said that it remained to be convinced that an extension on the north side of the church would not be possible. As to the proposed works themselves the Society characterised as

amounting to the *“use of a generic modern idiom that responds neither to the architectural nor to the spatial qualities of the Victorian fabric.”*

c) On 7th December 2011 the Society repeated its *“strong objection”* and said that the proposed floor would have *“an unacceptably detrimental effect on the spatial qualities of this part of the building.”* It repeated the Society’s view that an extension adjoining the exterior north wall of the church would be preferable.

15) In its letter of 22nd March 2011 the Society for the Protection of Ancient Buildings said that the Victorian Society should be regarded as the lead amenity society consultee. However, it said that the subdivision of the north aisle would inevitably have a *“major impact on the church interior”*. It also noted the effect which the mezzanine floor would have on the stained glass windows.

16) The Diocesan Advisory Committee has recommended that a faculty be granted but has recorded its opinion that the proposed works would affect the church’s character as a building of special architectural interest.

17) On 1st December 2009 the Church Buildings Council said that the proposal was potentially exciting. It said that there would inevitably be a major impact on the north aisle and suggested that this could be minimised if the stairs and floor slab were kept away from the windows. The Council suggested that *“a full photographic record of the north aisle before the works take place would be sensible.”*

18) English Heritage (writing on 25th March 2011) had been supportive of the suggestion of an external building (albeit not connected by a walkway) saying that *“this might prove less intrusive on the whole of the site than the current proposals for a major new structure within the north aisle.”*

19) The Local Planning Authority has indicated that it has no objections to the proposals and that it does not wish to make any representations.

20) Mr. Assheton is the church architect. He is supportive of the proposals. In a letter to Mrs. Gilbert of 3rd December 2009 he said that the proposals were reversible and that structural support would come from below rather than from the existing walls. Thus a future removal of the mezzanine floor would be possible "*leaving the Bodley work undisturbed*".

The Relevant Legal Principles and their Application.

21) The proposed works would have a significant impact on the architectural and historical character of this listed church, an impact I consider below, and so the "*Bishopgate Questions*" as laid down in ***Re St. Luke the Evangelist, Maidstone*** [1995] Fam 1 are to be considered.

22) First, have the Petitioners established a necessity for the works? In my judgment they have done so. There is a real need to provide suitable accommodation for the growing numbers of young people attending the church. The provision of such accommodation is necessary for the pastoral well-being of the parish. I am satisfied that the current arrangements with different groups of children and young people meeting in different locations separated from the church building are unsatisfactory. I am also satisfied that there has been proper consideration of alternative ways of addressing this need namely the erection of a new building outside the church or the installation of a mezzanine floor in the south aisle. I am satisfied that the latter would not be desirable and would have at least as adverse an impact on the church (potentially a greater one) than installation of a mezzanine floor in the north aisle. As to the former (ie erection of a new external building) as explained above permission is unlikely to be granted (whether by way of planning permission or faculty) other than for a building at some distance from the church and not linked to it. Such a building would not adequately address this need.

23) Second, would the works adversely affect the character of the church as a building of special architectural and historical interest? It is undoubtedly the case that the works would have such an adverse impact. The works would not be unsightly in themselves but they would have a real and adverse impact on the north aisle. The impression of room and

spaciousness in that aisle would be reduced. There would be also be a significant impact on the stained glass windows. In short it would no longer be possible to see the either of the two windows as a whole.

24) Finally, is the necessity which has been established such as to justify the grant of a faculty? The approach to be taken in reaching an answer to this question involves a balancing exercise. The entire circumstances of the matter will be considered in that exercise but the predominant part of the exercise will involve balancing the importance of the need to be met against the impact on the historically or architecturally important features of the church in question.

25) In the circumstances of this case it is clear that the proposed mezzanine floor would have a significant impact on the north aisle and would adversely affect its character. The floor would not be unsightly in itself but it would change the character of the north aisle markedly reducing the appearance and feeling of space. In addition there would be a considerable impact on the stained glass windows in the north aisle.

26) The following factors go into the balance against that impact.

- a) First, there is a real need for additional accommodation in the church. The current arrangements for accommodating the various groups of children and young people who attend this church are manifestly unsatisfactory. The provision of proper accommodation for young people so as to enable them to participate in the life of the church and so as to facilitate their attendance at church is an objective of high importance.
- b) The accommodation proposed will admirably meet that need providing suitable accommodation for a large number of those young people. That accommodation will not only be close to the worship but will be in a setting such that the young people can be identified as (and can identify themselves as) part of the worshipping community.

- c) The Petitioners and the parish have explored other ways of providing the necessary accommodation. I am satisfied that serious efforts have been made to consider the other courses which could have been followed. I conclude that the installation of a mezzanine floor in the south aisle would, indeed, be more intrusive in the church than the installation of such a floor in the north aisle. Despite the representations made (in particular by the Victorian Society) I have concluded that the construction of a building adjoining the church is not a practicable solution. The only such building for which permission would be likely to be obtained would be too far away from the church to be suitable to meet the need.
- d) It has been said that the installation is reversible because the mezzanine floor would not be tied into the walls of the north aisle. It is technically correct to say that the installation would be reversible but in the circumstances here that point carries little weight. In reality reversal of this installation would be a major exercise which would not be undertaken lightly or easily.

27) I have concluded that the need for the mezzanine floor and the other factors in favour of the installation are of sufficient weight to justify the grant of the faculty notwithstanding the impact on the character of the north aisle and on the visibility of the windows. Accordingly, I **direct** that a faculty issue. However, I impose the following **conditions** which will to some (comparatively modest) extent mitigate that impact. The conditions are that:

- a) The Petitioners cause details of the works performed to be entered in the Log Book within one month of the completion of the works.
- b) The Petitioners cause a photographic record to be made of the current appearance of the north aisle. A copy of that record shall be provided to the Diocesan Advisory Committee and a further copy shall be displayed in the church. In addition a digital copy shall be made and a

further copy of that shall be provided free of charge on reasonable request to any amenity society or architectural or historical researcher.

- c) The Petitioners cause photographs to be taken of the two stained glass windows which are to transected by the floor. The photographs of each window shall show the entirety of the same.
- d) The Petitioners cause copies of those photographs to be displayed alongside the windows as follows namely (a) one copy of at least A3 size shall be displayed at or near the foot of the respective windows so as to be readily visible from the floor of the north aisle and (b) a further copy of the same size shall be displayed in the rooms created by installation of the mezzanine floor alongside the upper portion of the respective window. The purpose of this condition is to enable a person seeing part of the window to be able to see from the photographs the appearance of the whole of the window.
- e) That the works be performed substantially in accord with the specification of GSS Architecture dated 13th August 2010.
- f) That the works shall not commence until the Petitioners have provided to the Diocesan Registrar written confirmation that funds are available in the sum of £171,500 being 70% of the estimated cost of £245,000. Such confirmation shall identify the source or sources of the said funds.
- g) That the Petitioners shall on or before 4.00pm on 30th November 2012 provide to the Diocesan Registrar either:
 - i) The said written confirmation or
 - ii) An explanation as to why the same has not been provided together with a report stating the date by when it is anticipated that the said funds shall be available.
- h) That in the event that such confirmation that funds are available is not provided by the said date the Diocesan Registrar shall refer this matter to the Chancellor for further directions. In those circumstances

the Diocesan Registrar shall either (a) provide the Chancellor with copies of the explanation and report required by the foregoing condition or (b) inform him that the Diocesan Registrar has received neither the said confirmation nor the said explanation and report.

STEPHEN EYRE
CHANCELLOR

23rd February 2012