

IN THE CONSISTORY COURT
OF THE DIOCESE OF CARLISLE

RE ST ANDREW BOTCHERBY CARLISLE

JUDGMENT
delivered on 2 May 2016

Introduction

1. By their Petition dated 3 January 2015 Revd Steve Donald, Vicar, Stuart David Langhorn, Churchwarden and Susan McWilliams, Secretary of the Parochial Church Council [‘PCC’] seek a faculty for a various works at St Andrew Botcherby Carlisle comprising:

- [a] the retention of the existing side doors to the porch rather than replacing them with windows : such doors to be kept locked and the main entrance to the church is to be a new glazed door on the end elevation;
- [b] reglazing of existing windows;
- [c] erection of a new partition to create a meeting room, WC and kitchen;
- [d] all pews [except 2] to be removed from the main space;
- [e] new upholstered stackable chairs and moveable storage units;
- [f] new heating and lighting; and
- [g] new audio visual system.

2. St Andrew’s Church is a small distinctive building constructed in local brick and located in the heart of the village of Botcherby on the outskirts of Carlisle. It was designed by Henry Higginson of Carlisle, has a Grade II listing and was opened in 1890.

3. Prior to the application for a faculty the PCC had sought advice from the Diocesan Advisory Committee [‘DAC’] for what is now proposed together with a paved ramp to provide level access to the new doors. On 25 September 2014 the DAC recommended the proposed works for approval by the court subject to the heating, lighting and audio visual

systems being approved by Mr Bruce Mumford. In fact the latter was not approved by the Highways department and this is no longer pursued.

4. Subsequent to the application for a faculty the matter further considered by the DAC on 29 September 2015 because the Petitioners wished to omit the ramp in the road and retain the existing side doors in the porch rather than replacing these with windows. The DAC again recommended the proposed works for approval by the court.

5. On 14 September 2015 such works had been supported unanimously by the PCC.

6. The Public Notice was displayed for the requisite period and there were no objections thereto.

7. Much of the work is uncontroversial.

Representations made by the Victorian Society

8. Although the DAC had not recommended consultation with any amenity bodies, the Petitioners did consult the Victorian Society.

9. The Victorian Society's concern largely related to the removal of the pews and their replacement by chairs. Although they also referred to the partitioning of the west end and the west end entrance, the former was an encouragement to adopt the least visually intrusive scheme possible and the latter was a preference that the new entrance doors should be predominantly of wood rather than fully glazed. That latter suggestion has been adopted by the Petitioners in their current proposals.

10. The PCC's Design and Access Statement states that all the pews are to be removed with the exception of two which are retained for historical interest and that they will be replaced by 'a set of approximately 42 upholstered stacking chairs ... which can be set out in a variety of layouts' and 'it is anticipated that these will be stacked in the four corners of the room when not in use'. I have seen a floor plan which makes it clear that the Nave of the church is relatively small [containing only 6 or 7 rows of pews] and that the two retained pews are existing pews which are to be repositioned at the sides of the Nave.

11. At a DAC visit to the Parish on 7 March 2013 it had been noted that 'the pews have no particular merit and their removal and replacement by cushioned chairs will allow for a more flexible use of the limited space in the nave.'

12. As to the removal of the pews and their replacement by chairs, the Victorian Society said this in their email sent on 29 May 2014:

‘Even if plain, it is likely that the pews will do much to contribute to the character of the building, and to remove all of them would have a major impact. You mentioned that there may be scope for the retention of a single pews as an example of the historic seating: this would be a welcome gesture if wholesale removal of the existing seating were to be accepted, but we would also ask that the retention of a block of pews (say four rows) at the front of the nave, to be moved as required, be considered as part of any options appraisal (you also mentioned that the pews are already moveable). As a rule, upholstered seating is not an appropriate addition to the interior of a nationally-listed historic church, and we would therefore recommend that any replacement seating be in solid wood, stackable and fitted with removable cushions if desired, stained to match the historic furnishings.’

13. On this issue the Chair of the DAC reported in her report dated 1 October 2014:

‘At the meeting of the DAC detailed consideration was given to the e-mailed comments from the Victorian Society ... The submitted scheme does retain two pews re-positioned against the internal side walls. The Committee debated the potential for retaining one or more pews in their original locations. While the submitted photographs suggested ample internal space site inspection shows that in reality the internal space is limited and retention of pews in their original location would undermine versatile usage. It was concluded that retaining the two pews positioned as shown would allow interpretation of the original historic and architectural character without inhibiting the building’s continued use as a church.’

14. As to the partition at the west end, the DAC was satisfied that the parish had demonstrated that its own needs and those of the local community justified the need for such partition and concluded that ‘the degree of change and its design acceptable and justified by the need to ensure a continued appropriate use of the building that allowed the key elements of its architecture and history to be maintained and appreciated.’

15. Given the views expressed by the Victorian Society I directed that it should be given special notice of the proposed works.

Response of the Victorian Society to special notice of the proposed works

16. In its letter dated 26 February 2016 the Victorian Society state:

‘The wholesale removal of the pews is now proposed for the church, except for two pews, to provide the church with a flexible space. While the loss of the pews is regrettable, because of the richness and the character which they contribute to the interior, we would not object to their removal, if a suitable replacement form of seating is selected. Upholstered chairs are not considered to be an appropriate form of replacement seating. We would need to be provided with details of a specific chair

before we could comment. The Church Buildings Council produces helpful advice on seating which states that solid wooden seating is the most appropriate form of new seating in churches

The choice of seating at St Andrew`s will greatly impact the character of the interior. Good quality solid wooden seating is likely to make a positive contribution to the interior of this small church, adding back some of the richness and quality that the pews lent to the character of the interior. Upholstered chairs are more suited for other forms of building, such as doctor`s surgeries and office buildings and lack the aesthetic quality of a wooden chair.

The carpet proposed for the interior is also not appropriate for the church. While the church currently has carpet in the aisles and the chancel, the rest of the floor under the pews appears to be wood. It is not clear if the entire church is to be carpeted or if sections of the church are to be carpeted. We would need more detail on the proposed floor finished [sic] before we could comment on that aspect of the proposals. Carpet does not compliment the interior of a historic building. It creates an overly domestic character and lacks the quality and character of the good quality solid floor. ...

The partition proposed for the west end would change the appearance of the interior significantly. It would section off this end of the church for a meeting room, toilet and kitchenette. It is not clear in the documents why such a small meeting room is required. The church is small and compact and could easily accommodate small meetings comfortably. This kind of intrusion into the interior seems excessive and intrusive. ... We maintain that a lavatory pod and discreet servery would be more appropriate in this church. The small and compact nature of the building does not make it well suited to partitioning and the proposed intervention would be overly intrusive.`

17. It may be noted that the Victorian Society had not previously referred to the proposed carpet.

18. Subsequently the Victorian Society confirmed that it did not wish to become a formal objector to the proposed works but wished me to take their views into account in deciding whether to grant the faculty sought.

Determination

19. In reaching my decision I have taken into account the views of all parties, including the PCC, the DAC and the Victorian Society.

20. I am satisfied that the internal space within the Nave is limited and that if the church is to meet its own needs and those of the local community, it is inevitable that the pews are

removed. Although that was not the original position adopted by the Victorian Society, it now recognises the need, albeit regrettable, for the removal of the pews. The retention of two pews at the side of the Nave is both sensible and practical.

21. The Victorian Society wishes the replacement chairs to be solid wooden seating and not upholstered chairs. Although the faculty seeks the installation of upholstered chairs, I note that the report of the DAC visit on 7 March 2013 referred to replacement `cushioned chairs`. I am satisfied that it is appropriate that the replacement chairs should be solid wood chairs which may have removeable cushions and I will direct that the precise kind of chair to be purchased to replace the pews shall be approved by the Archdeacon of Carlisle. In the event that approval is not given as to what constitutes an appropriate chair the matter should be referred back to me for my further consideration.

22. I am content that all the floor area is carpeted once the pews have been removed, notwithstanding the Victorian Society`s contentions to the contrary. Given that a large part of the floor of the Nave is already carpeted, I can see no good reason why all the Nave should not be carpeted.

23. I am satisfied that it is appropriate that a new partition should be erected so as to allow the creation of a meeting room, WC and kitchen. I do not believe that it will change the appearance of the Nave significantly and I can understand why there is a need for a small meeting room. I do not think that the installation of a lavatory pod and a discreet server would offer any significant advantage.

24. I thus grant the faculty sought on condition that:

[a] the precise kind of solid wood chair to replace the pews shall be approved by the Archdeacon of Carlisle and that in the event that approval is not given the matter shall be referred back to me.

[b] before their installation the heating, lighting and audio visual systems are agreed by Mr Bruce Mumford.

25. In accordance with the practice of the court the Petitioners shall pay the costs of determining the application



GEOFFREY TATTERSALL QC

Chancellor of the Diocese of Carlisle