Neutral Citation Number: [2016] EEC Liv 3

IN THE CONSISTORY COURT OF THE DIOCESE OF LIVERPOOL

AND IN THE MATTER OF ST. PHILIP'S, LITHERLAND

Sir Mark Hedley, Chancellor

JUDGMENT

1. This is an application for a faculty in respect of a major re-ordering in a church which is listed grade II. The proposals have the support of the PCC, the congregation and the DAC. The essence of the proposals appears to have the support of English Heritage. There are, however, objections from the Victorian Society. Although they have decided not to become a Party Opponent, I propose to treat this petition as a contentious application. I inspected the church personally on 28 December 2015.

2. The church was opened in 1864 and was built of local sandstone and has an unusually steeply-pitched roof with lead-lined gutters. The architect attempted to produce a church convincingly "mediaeval" in its proportions. The reaction of others has been mixed. For example, Pevsner (1969) describes it thus – "Of small yellow stones. Still unaisled and with transepts – the tradition of the pre-archaeological decades of the early 19th century. The detail also is singularly ignorant. The way the spire starts as low as the ridge of the nave roof is but one example." Others have been more generous in their assessment. It is certainly the case that the church is a valued part of the local community.

3. The church has undergone a number of changes over the years. Choir stalls have been fitted and works undertaken to the transept. Certainly there is a strong impression of open space created within the building but it is dominated by the effective

filling of the space with serried ranks of pews. These are of reasonable quality and are probably original to the building.

4. The full details of the reordering are set out in the architects' Heritage Impact Assessment dated February 2015. It is a very substantial reordering but I propose to focus on those parts of it which remain controversial. The first is the proposal to remove the pews and the second is to replace them with upholstered chairs on the carpeted floor as opposed to wooden chairs on a solid floor. The second part is the removal of the choir stalls.

5. As this is listed building, albeit at grade II, I have to consider first whether the impact of the proposed reordering will be significant in terms of the character of the building. I am satisfied that the removal of the choir stalls will have some effect, which may amount to significant, but am conscious that those are later additions. I am satisfied that the removal of all the pews in the manner suggested will have a significant impact on the character of this building. Accordingly any such change needs to be justified by the applicant.

6. This petition represents the classic tension between the obligations of a congregation for the resources with which they have been entrusted on the one hand with the need to cater for the needs of the community and to provide a living setting for worship on the other. It is clear that change will only be sanctioned where it is properly justified by the applicants.

7. In this case the applicants seek to justify the reordering of the Chancel by the need to create sufficient space both for the celebration of the Eucharist and to have a space which will provide a stage area for non-liturgical use. There is a licence at present to allow the altar to be moved slightly further forward to permit a westward celebration. However, it is clear that that will only accommodate a slender priest and at present the celebration is conducted from the North End of the Table. It is intended to retain the pulpit although to move it back to its original position but it is intended to remove the choir stalls which have no current use other than to provide a reading desk for those leading the service. Although the choir stalls are

themselves not unattractive, I think the case for their removal is fully made out. Having seen the chancel personally, I can see that it is not easy to utilise it in its rather cramped present form. Under all the circumstances there would be justification for the removal of the choir stalls and for a more spacious reordering to take place which will permit not only a Westward separation but ample space for reception of Holy Communion.

8. The removal of the pews in the nave is altogether more difficult simply because it will have a major and irreversible impact upon the church. The proposal is effectively to screen the Nave to provide two areas one of which will be for non-liturgical use save in respect of very large services. This has become increasingly necessary since the disposal of the church hall. I fully accept that the church in its present form is really incapable of any significant use other than liturgical and, even there, it is not convenient for weddings and funerals. Of course they do happen but with very cramped space for any procession. It is also unfriendly to those in wheelchairs.

9. I have reflected long and carefully on this matter having regard on the one hand to the importance attached to it by the applicants and, on the other, by the impact which it will undoubtedly have on the character of the building. In the end I am convinced that sufficient justification has been made for this reordering. It will provide a warmer space with more flexible options for use. The box pews and the "police" pews, which are of particular significance, will remain unaffected. I accept that the character of the building will be irreversibly affected, and significantly so, but I am satisfied, not least from my own inspection and attempt to envisage what is intended, that the resulting reordering will provide an attractive space in a church that manifestly retains its Victorian origins and character not least from its design and the hammer-beam roof, the stained-glass and the general design and ordering of the building.

10. In the circumstances I am willing to grant the faculty sought upon the following conditions –

- that a photographic record is made of the entire interior of the church before any of the works hereby authorised are started, such record to be stored with the parish records and the Registrar notified to that effect;
- that the applicants consult with the DAC over the proposed chairs and, if necessary, with the CBC;
- that the applicants consult with the DAC over any proposed carpeting;
- that the applicants lodge with the Registrar details of the proposed chairs and carpeting once agreed with the DAC;
- that before entering into any contract, the applicants certify to the registrar that 90% of the contract price is either pledged or in the bank or otherwise satisfy the registrar as to their ability to meet the contract price when the same falls due;
- to complete the works hereby authorised within 12 months;
- Liberty to apply in respect of any condition.

Mark Hedley

23rd January 2016