

IN THE CONSISTORY COURT OF THE DIOCESE OF SOUTHWARK

IN THE MATTER OF ST JOHN THE BAPTIST, WEST WICKHAM

JUDGMENT

This is a petition by the Rector and one churchwarden¹ of the parish of St John, West Wickham to remove one pew in the church and install in its place a new “control desk” for new speakers, a projector, screen and control desk. By a letter dated 14 October 2011, Mrs Mary R Daniels objected to the proposal. Mrs Daniels lives in West Wickham (although not in the parish) and is a long standing member of the congregation, who has served on the PCC from time to time. She did not wish to become a formal party to the proceedings, but asked that her letter of objection be taken into account when I came to make a decision.

On 8 November 2011, the PCC passed unanimously approving the works.

I visited the church on 9 January 2011. I am grateful to Mr Ward, the Rector, and his team for showing me round and explaining the proposals so clearly to me.

St John’s Church is an historic building, dating back to the 15th century and listed Grade II*. It has been much added to and altered over the years, making it both interesting and attractive although presenting problems as regards its use as a place of worship. In short those sitting in the north aisle – who face south rather than east - cannot easily see the Holy Table, even though it has been “brought forward” from its historic place at the east end of the church. It is good to be able to say that these problems only arise because the church is quite full at the main service on Sunday morning (at 10 am). The church is pewed and the the pews are of good quality, dating from the restoration of the church at the end of the 19th century by the noted architect, John Sedding; he was a local man and is buried in the churchyard. Inside the church a projection screen, amplification system and loop have been installed; the electrics are now “time expired”, although there can be some re-use of the existing equipment. The church has six bells, which are rung regularly for service.

The DAC consider that the proposal to remove one pew would not affect the character of the church as a building of historic and architectural interest and, as a matter of fact and degree, I agree. Nonetheless the petitions have consulted with English Heritage, who have no objection to the proposal.

There proposal is to replace the existing audio-visual system in the church with a new one. The present control desk is not conveniently situated in the body of the church and it will be a modest benefit of the proposal that the space that it occupies will be returned to use as ordinary pewed seating. The proposal however is to remove one pew at the back of the church to provide the space for the new control desk, which is, to a degree, a disbenefit, and

¹ There is, as far as I am aware, no significance in the fact that only one churchwarden is petitioning., but I do prefer both churchwardens to petition.

Mrs Daniels' objection is that, overall, it is a greater disbenefit than gain. She suggests that the control desk could either stay where it is or be installed in the gallery of the church.

The existing arrangement as regards the control desk is not ideal because the sound and visual operators have to sit apart, separated by a column. In the new arrangement, one person would be able to operate both systems.

The new control desk could physically be accommodated in the gallery, but the drawback is that the operator would be cut off from the congregation below. The degree of separation is greater however because the gallery is entered from outside the church, via the ringing chamber. If this arrangement were adopted, it would also not be ideal.

Mrs Daniels readily accepts that she is not an electrical engineer, but the points that are being made in support of the new proposal are not really technical ones, and she will, I think, readily be able to appreciate them.² Her points are that the new control desk, although at the back of the church, is in quite a prominent position by the main entrance, and involves the loss of a nice pew; and, further, that it is a pew particularly attractive to late-comers to the service who can slip into it unobtrusively.

It is a bit difficult for me to assess this latter argument. I can see exactly what Mrs Daniels is saying; on the other hand I would have thought that a seat at the back with a good view would be intrinsically quite attractive (so might be filled before the beginning of the service). It seems to me that the case properly turns on the reasonable need for the proposals weighed against any harm they cause to the church and that I do not need to come to any conclusion about this particular point.

I remind myself that it is for the Petitioners to establish the case for change³ and that formally I need to ask the "Bishopsgate questions - so called from the case of *In re St Mary's Bishopgate*.⁴ These questions are:

- (1) *Have the petitioners proved a necessity for some or all of the proposed works, either because they are necessary for the pastoral wellbeing of St. [John's] or for some other compelling reason?*
- (2) *Will some or all of the works adversely affect the character of the church as a building of special architectural and historic interest?*
- (3) *If the answer to (2) is yes, then is the necessity proved by the petitioners such that in the exercise of the court's discretion a faculty should be granted for some or all of the works?*⁵

² I should add that the DAC did visit the church and the proposals were carefully considered by it, their consideration including the possibility of alternative locations for the control desk. The DAC includes experts who understand much more than me about audio-visual systems.

³ *Peek v Trower* (1881) 7 PD 21.

⁴ (1993) 12 CCCC 23 (Consistory Court of London).

⁵ The Bishopsgate questions were endorsed by the Court of Arches in *In re St Luke the Evangelist, Maidstone* [1995] Fam 1.

Necessity in this context means reasonable necessity⁶.

In my judgment, the Petitioners have demonstrated a reasonable necessity for the works. As I have explained, I do not think that the installation of the control desk will adversely affect the character of the church as a building of special architectural and historic interest, and I consider that any adverse effect is modest indeed. In these circumstances it seems to be that the Petitioners have proved their case.

Accordingly, I direct that a faculty shall issue in this case. The works are to undertaken to the reasonable satisfaction of the Church's Inspecting Architect and, in particular, he should be satisfied as to the quality of the provision of the cabling runs. I do not suppose that this will become an issue but, if it does, the matter should be referred back to me. The pew that is removed should be stored; it is quite possible that the arrangements could change in the future and, if they do, it should be possible to put back what has been changed.

Finally I can note that Mrs Daniels' concerns seem to be to be reasonable ones, and she was entitled to "put the petitioners to proof" as the legal phrase has it. This being the case, it is in such cases often simplest and easiest for such cases to come to me for adjudication, and no-one need feel that there is anything wrong with that. Nonetheless for the future what I shall generally do in cases where there is a written objection and the objector does not wish to become a party opponent is to stay the proceedings for (say) 21 days to enable the petitioners and the objector to meet and see if the concerns may be resolved. Such a meeting may indeed have happened in this case; my intention is that, for the future, it should happen as a matter of routine.

PHILIP PETCHEY
Chancellor

20 January 2011

⁶ See *St John the Evangelist, Blackheath* (1998) 17 CCCC 25.