

IN THE CONSISTORY COURT AT LINCOLN

In the matter of the Parish Church of St Mary the Virgin, West Butterwick.

Judgment

1. This is an application for a Faculty to carry out repairs to a window in the north wall of the nave of this Grade II church built in 1841 with interior fittings renewed in 1979, as well as install a window guard. In part of the window to be repaired are 2 roundels alongside each other in either light. One depicts a bearded figure of a saint and the other depicts the head and shoulders of Christ wearing the crown of thorns.
2. In the Quinquennial Inspection 2012 Mr Foxley identified work that was required to much of the stained glass which he described as 'a fine collection of 19th century stained glass'. However he also referred to some 'mediaeval grisaille fragments' in this window and the 2 roundels being 'possibly 17th-18th century. The source of the assessment that there is any medieval glass may be the words in parentheses in the extract from Pevsner reproduced in the Statement of Significance: "reset fragments of early (perhaps medieval) stained glass to north, 19th century stained glass to the south and east". I do not know the source of the assessment that the roundels could be 17-18th century. There have been faculties issued in respect of many of the other windows for this conservation and restoration work without objection.
3. The DAC advice to me on 8 June 2018 was to recommend the work with one uncontroversial proviso. However, they did recommend that the application be referred to the planning authority (no doubt because of the application for a window guard) and to the CBC. The planning authority have confirmed in writing that they have no objection and no formal planning permission is required. The reason for the referral to the CBC may have been because of the suggestion from Mr Foxley, the QI architect, that there appeared to be some 'mediaeval grisaille fragments' set on a plain quarry background, and there were 2 roundels executed in enamels and silver staining which 'possibly date from 17th -18th century'. I have no written report from the DAC glass adviser but he advised the DAC that he was content for the application to proceed.
4. The Conservator's report and method statement (Park Glass Studios) sets out how the work will be undertaken. He has advised that the glass is 'in probability' Victorian (see the Statement of Need which records this). In his assessment he states:

- (i) The 2 lancets are made up of 35mm amber coloured border glass surrounding each main light and filled with diamond quarries. Each main light has 3 x 270mm diameter cercal sections made up of 4 sections of painted glass with cross hatch painted pattern.
 - (ii) There are also painted figurative panels in each light (185mmx 280mm) incorporated into the upper middle sections of each main light. Each panel has a break in it.
 - (iii) At the top of 1 diamond shaped tracery light there is small collage of painted sections of glass.
- 5. The Head of Conservation at CBC stated by email on 18/11/18 that they would usually not comment on Victorian plain glazed panels but there was 'a question' about the age and significance of the 2 figurative panels. She notes that the conservator believes the roundels to be Victorian. Further to her query the Petitioners sent more information from the conservator and more detailed images. On 25/1/19 Ms Berry responded asking why protective glazing was required. Replying the same day by email the Petitioner reported that he had spoken to the conservator who had explained that environmental protection was required because the images were enamel on glass which is fired at a lower temperature than stained glass. The environmental protection would not touch the glass but would protect the window from any further deterioration.
- 6. There were further chasing emails in January and February from the Petitioners to the CBC. When the matter first came before me on 21/2/19 there had been no response from the CBC to the further information provided in January and I ordered that a response had to be provided by 27/3/19 or I would assume they are in agreement with the proposals. On 3/3/19 Ms Berry responded providing the CBC delegated advice which was that they needed more information about the date of the roundels. They also noted that there was no evidence in support of the need for environmental protection. They required a conservator's report.
- 7. The CBC delegated advice must have been provided without knowledge of the response of 25/1/19 from Mr Patterson setting out the conservator's reasons for environmental protection in this case. I am not clear that they were aware of the Conservator's assessment or his method statement. It is not clear to me either that they were aware that the DAC glass adviser had recommended the work to proceed. By 3/3/19 the matter had been before the CBC since at least November 2018. I note that Ms Berry explained that she was under resourced in church case work, and had some time away through illness, which may account for the delay.
- 8. On 16/4/19 I gave further directions and a short ruling that the CBC give their final advice on this matter by 30/4/19. If no advice was received then I would determine the application on the papers before me.
- 9. On 30/4/19 Ms Berry provided the advice of the CBC by email in which they asked for a survey of the glass to decide its age, composition, significance and current condition. They also want to see an analysis for the underlying causes of the deterioration and noted that there is 'no justification for current conservation treatments'. From my reading of the email the CBC appear to be working from the 2012 QI report of Mr Foxley alone and do not seem to be aware of the conservator's assessment or method statement or the email explaining

why environmental protection was required, in particular that the roundels are enamel on glass.

10. The CBC's advice was that they have no objection 'in principle' to protective glazing where justified but wanted more explanation about the proposed ventilation to prevent condensation.
11. Further to this advice, on 6/5/19 I ordered that the Petitioners obtain the advice of a professional glass expert to confirm the age of the glass.
12. Further to that Order I received short advice from:
 - (i) Joseph Burton Stained Glass dated 10/5/19: the 2 roundels are 'most definitely not mediaeval'. He states that the way they are presented reminds him of other churches where panels were obtained by local antiquarians and then set into their church glass.
 - (ii) Keith C Barley MBE MA FMGP ACR of Barley Studio: his advice was that all the painted glass is dated from the first quarter of the 19th century: 'there appears to be no mediaeval painted glass in the window'
13. I am satisfied that a faculty may be issued in respect of this work.
14. Much time has been spent waiting for further consideration by the CBC, and it may be that a lack of resources has contributed to a significant breakdown in communication about what this glass contains. It would seem that the only source for the opinion that there was mediaeval glass or even 17/18th century glass, came from Mr Foxley's QI 2012 report. He may have been considering the Pevsner entry reproduced in the Statement of Significance which only gives a date of the glass as mediaeval in conjectural terms. I note there is no reference to any glass being 17th or 18th century.
15. The glass has been considered by the DAC glass advisor who has recommended the work, Mr Harvey of Park Glass, Mr Burton and Mr Barley. No one has suggested that there was any mediaeval glass in this window. Mr Barley states it is pre-Victorian 19th century and Mr Harvey has advised it is Victorian. I am therefore working on the basis that this glass does not involve any mediaeval glass but is 19th century in origin.
16. Conservation work has been done on the other windows in the church without any of the issues that have arisen in this faculty application. The issue of what age this glass may be has caused the CBC to be cautious in their advice. It is unfortunate that their advice, when it has come, has been interspersed by significant periods of time. It may be that under resourcing or illness may have contributed to those delays. However, it is also clear that these delays have had a demoralising effect on the Churchwardens who have not stood again for office. This I regret.
17. Part of the ministry of the Church of England is to be the trustee of the great treasures that are both within and part of our church buildings, which are held for the benefit of everyone in the country. Churchwardens and PCCs and all church volunteers are part of this ministry discharging important and at times taxing obligations for the whole country in supervising the care and upkeep of this inheritance. Their voluntary service in being committed in this way to the care of their local church, and in particular the time and trouble they give for no

material reward, must never be taken for granted or overlooked. I am sure that everyone recognises that those same treasures often require time in assessing how they are to be renovated or managed. However, the time taken in this case in formulating advice has been far too long and the engagement in serving the needs of this parish in progressing this faculty have not been given sufficient priority, for whatever reason.

18. I am satisfied from all the information now available to me that this faculty can be granted. There is no further need for reports about the age of the glass: I am satisfied that the glass is early 19th century/Victorian. Adequate explanations have been given about the processes that will be used to undertake this work.
19. I regret greatly the time that has been spent on this Petition and the delays that have occurred seem to have led to this church now being without churchwardens. I hope that those frustrated with the process will reconsider their position. It is clear that they are committed to this church as a place of mission and worship for their local community and I hope that notwithstanding the frustrations that have arisen in this case, their commitment will continue in some way.
20. The conditions for the faculty are:
 - (I) All fixings into mortar joints and not into ancient fabric
 - (II) The requirements of the insurers as set out in their letter dated 20/2/19 are conditions of this faculty. The PCC are to ensure that there are adequate measures in place to protect the external metal and the internal fixtures which the insurers have excluded whilst scaffolding is in place.

The Reverend and Worshipful Chancellor His Honour Judge Mark Bishop

17th June 2019