

Re St Michael and All Angels, Whitwell

Judgment

1. This is the determination of a petition seeking a faculty for the installation of secondary glazing to the nave windows of this Grade II* listed building. This church sits within approximately 6 inches of the church of St Mary, Reepham with which it shares a churchyard. As a result of the proximity of the churches, St Michael's church, whilst remaining consecrated, is no longer used for regular worship but instead serves as a parish hall and community resource. Both churches are the responsibility of Reepham PCC.
2. The DAC have recommended the proposed works and there have been no objections received as a result of the public notices displayed. The Society for the Protection of Ancient Buildings (SPAB) and English Heritage, however, have raised objections to the proposed works on the grounds that they would damage the significance of this historic building.

Background

3. In a petition dated 20 May 2013 the rector and churchwardens of the parish sought permission for the abovementioned works. The works are part of the ongoing and recent refurbishment of this building as a community space. The building now has a clean, modern interior and is used for myriad community activities in the market town of Reepham.
4. There are, however, two aspects of this refurbishment which are less than satisfactory: Firstly, there have been complaints from neighbouring properties about the sound levels emanating from within the building during community events; and secondly, in the winter months there have been difficulties with maintaining an adequate temperature within the building, such that, for example, the elderly visitors from the local Day Centre who are provided with a meal and entertainment each week have to sit in their coats because of the cold. Bookings for the building have reduced as a result of these problems. The proposed solution to both of these problems is the installation of secondary glazing in the nave.
5. The DAC, English Heritage and SPAB have all expressed opinions about the proposed works. After initially refusing to recommend the proposals, amendments were made and at the DAC meeting on 11

April 2013 it was decided to recommend the works. It is clear from the minutes of that meeting that the DAC formed the view that this was a 'special case' in light of the fact that this building now has a secular modern interior and is used regularly for secular activities and only occasionally as a place of worship. Account was taken of the fact that in order for this building to continue to be used successfully for the range of community activities which it now accommodates, efforts were required to lessen the sound impact of those activities as neighbouring properties have been making complaints about sound levels.

The objections

6. English Heritage and SPAB have both raised concerns about the proposed works. Their concerns are set out fully in the correspondence placed before the court. They are very largely the same and I hope the principal concerns can fairly be summarized thus:
 - a. The church is a high quality medieval ecclesiastical building of which the nave windows are possibly the most significant internal feature;
 - b. The introduction of the secondary glazing would significantly detract from the appearance of the windows both in their own right and as part of the wider interior, for example, by dividing the depth of the window reveal and interfering with the reading of the existing glazing;
 - c. The works would involve the inappropriate introduction of modern material (plate glass) into the interior of the building on a scale so far not undertaken;
 - d. Insufficient efforts have been made to show that the secondary glazing will be effective; and
 - e. There has been inadequate consideration of alternative solutions in this case.

7. Whereas both English Heritage and SPAB have taken the opportunity to express significant concerns about these proposals, neither body has chosen formally to object to the petition. As a result of this in determining this petition I shall take full account of the written representations which I have received from those bodies.

The law

8. In its recent decision of *Re St Alkmund, Duffield* (1 October 2012) the Court of Arches set down a new framework or guidelines for the determination of petitions such as this one. That framework took the form of a list of questions, namely:

“ 1. Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?

2. If the answer to question (1) is “no”, the ordinary presumption in faculty proceedings “in favour of things as they stand” is applicable, and can be rebutted more or less readily, depending on the particular nature of the proposals (see *Peek v Trower* (1881) 7 PD 21, 26-8, and the review of the case-law by Chancellor Bursell QC in *In re St Mary’s, White Waltham (No 2)* [2010] PTSR 1689 at para 11). Questions 3, 4 and 5 do not arise.
3. If the answer to question (1) is “yes”, how serious would the harm be?
4. How clear and convincing is the justification for carrying out the proposals?
5. Bearing in mind that there is a strong presumption against proposals which will adversely affect the special character of a listed building (see *St Luke, Maidstone* at p.8), will any resulting public benefit (including matters such as liturgical freedom, pastoral well-being, opportunities for mission, and putting the church to viable uses that are consistent with its role as a place of worship and mission) outweigh the harm? In answering question (5), the more serious the harm, the greater will be the level of benefit needed before the proposals should be permitted. This will particularly be the case if the harm is to a building which is listed Grade 1 or 2*, where serious harm should only exceptionally be allowed.” (*para 87 of the judgment*).

Harm

9. I do not hesitate to conclude that the proposed works would result in harm to the significance of St Michael’s church as a building of special architectural or historic interest. The quality of the blind arcading in which the nave windows are set is recognized as particularly fine and the size of the windows and their fine tracery undoubtedly substantially contribute to the significance of the building. The installation of secondary glazing into what are relatively narrow window reveals would inevitably harm the aesthetics of the building, interfering with the impact which the nave windows have on the building’s architecture as a whole.
10. Having answered the first *Alkmund* question in the affirmative, I then move to question 3 – how serious would that harm be?
11. The harm caused by these proposals is significant. I take account of the fact that this building is highly listed (Grade II*) and also of the fine nature of the nave windows described above. On the other hand, it is also appropriate to take account of the current nature of the building. It is no longer used as a regular place of worship, but is a recently converted community resource. The fact that the existing windows are of translucent cathedral glass quarries means that the impact of the secondary glazing is more limited than it might otherwise be in a different setting. Also, the impact of the large areas of glass is far less here than it would be in most medieval churches. As mentioned above, the recent refurbishment has given the church a clean, modern interior which already contains large areas of glazing in the form of large glass screens to the chancel arch and gallery.

12. In relation to the proposals themselves, the finish of the surrounds to the secondary glazing would be matched to the chancel arch and gallery screens. In addition, the proposals for the secondary glazing have been amended and simplified to omit the centre mullion at the head of the windows to minimize the interference with the existing tracery.
13. Also, of particular significance, is the fact that the impact on the historic fabric of this building will be absolutely minimal and entirely reversible. The only interference with the fabric would be from the fixings for the wooden frames. It has been suggested, and I would make it a condition of any faculty, that those fixings should, wherever possible, be screwed into the mortar joints rather than drilled into the stonework itself.
14. In light of the above, it is my view that the harm caused by the proposals is significant, but not serious.

Justification and public benefit

15. Having determined the level of harm which would be caused by the proposals, it now falls to determine whether there is a clear and convincing justification for the proposals, and whether the public benefit which would result outweighs the harm which would be caused.
16. The PCC of Reepham bear the privilege and burden of caring for not one, but two fine medieval churches. They are to be praised for the successful conversion of St Michael's into a useful parish hall and community resource. If St Michael's is to continue to serve its community effectively it must be possible to maximize the uses to which it can be put. In the words of the petitioners, it must "pay its way". Clearly, the problems with sound and heat insulation are already limiting the uses to which the building can be put and there is a genuine need for these problems to be addressed.
17. English Heritage and SPAB have questioned whether the petitioners have produced enough evidence to found a clear and convincing justification for the introduction of secondary glazing as a solution to these problems. They question whether alternatives could be used to achieve the same or even improved results.
18. What is clear from the papers before me is that alternative methods of conserving heat have already been considered and, in some cases, employed. The use of curtaining has been rejected as being logistically difficult in light of the shape of the windows (a point accepted by SPAB) and having a far greater aesthetic impact on the building than the proposed glazing. I agree with this conclusion. The roof has already been insulated with Actis Tri-iso insulation which was

installed above the suspended ceiling during the roof repairs. The floor at ground level has also been insulated as part of the previous works. The glazed screens allow the nave, chancel and gallery to be heated as independent zones.

19. I have seen an expert report from Mr Alex Honey BEng (Hons) of Alexander Assessments which assesses the impact of the proposed secondary glazing on the thermal efficiency of this church. Mr Honey is a Civil Engineer who is an accredited On Construction Domestic Energy Assessor. The nave windows represent approximately 30% of the wall area of the nave and as such the windows will account for a significant proportion of the building's heat loss. The u-value (which measures the effectiveness of a material as an insulator) of the current windows is in the region of $5.5 \text{ w/m}^2\text{K}$. With the secondary glazing, this u-value will reduce to around $1.8 \text{ w/m}^2\text{K}$. This will result in an estimated maximum saving in heating costs of around £285 per annum (approximately 10% of the annual heating bill) and, perhaps more importantly, an improvement in thermal comfort for the users of the building. I have also seen independently certified information sheets from Selectaglaze Limited, the proposed contractor, confirming the improvement in sound insulation from the secondary glazing.

20. In light of all of the above, I find that the petitioners have discharged the burden of showing a clear and convincing justification for carrying out the proposals. The need for the improvement is clear and the evidence that I have seen satisfies me that the resulting public benefit outweighs the harm that will be caused to the building. I therefore order that a faculty shall pass the seal, subject to the stringent conditions set out below:

- a. No works shall be commenced until the petitioners have filed at the Registry written confirmation that:
 - i. 80% of the funding for the works is promised or in place; and
 - ii. appropriate insurance will be in place for the duration of the works;
- b. The glazing works shall be undertaken by a specialist glazing contractor approved by Rob McVicar;
- c. The works shall be undertaken in accordance with the advice of the inspecting architect contained in his letter of 3 October 2013;

- d. The fixings for the wooden frames shall be screwed into the mortar joints rather than drilled into the stonework wherever possible;
- e. The works shall be executed under the direction of Rob McVicar;
and
- f. The works shall be completed within 18 months of the date of this faculty or within such extended time as may be allowed.

Ruth Arlow
Chancellor

25 October 2013