

NEUTRAL CITATION : [2018] ECC COV 2

IN THE CONSISTORY COURT OF THE DIOCESE OF COVENTRY

**In the matter of the Church of St James, Bulkington
Re : John Williams, deceased.**

**Private Petition for erection of Headstone in Churchyard
C5930/2017**

JUDGMENT

1. By a petition dated 22nd November 2017, Mr Neil Williams seeks a faculty for the introduction of a memorial into the Churchyard of St James in Bulkington. It is to mark the grave in which are interred the remains of his father, John Williams. The deceased died at the end of November 2016 and his funeral service was held the following month.

The proposed memorial

2. The proposed memorial is to be fabricated from dark grey granite with silver lettering. The granite would include an upright headstone, polished on the obverse, facing towards the Church building, but otherwise the granite would be honed. The headstone would be 40” in height, including a plinth of approximately 7” in height. Further the Petitioner seeks to have kerbstones in dark grey granite rising to a height of 6” and enclosing the grave for a total length of 78” and a width of 36”. Within the confines of the kerbstones it is proposed to place a 7” x 7” x 7” flower urn in dark grey granite inscribed with the name “John”.

The proposed inscription and embellishment

3. On the obverse of the upright headstone it is proposed there be an engraved representation of an open book, with an engraved representation of a twisted rope tassel running down the centre of the open book. Above the tassel it is proposed there be inscribed “In Loving Memory of”, then on the Left Hand page of the book are wanted the words “JOHN WILLIAMS Passed Away 23 November 2016 Aged 82 Years. Beloved Husband, Dad and Grandad.” The right hand page is blank, presumably to permit later mention of Mr Williams’ Widow. Beneath the engraved book it is hoped to have the wording “Missed, Loved and Remembered by us all - Always.”

The Parochial Church Council

4. At a meeting of the Parochial Church Council on 22nd November 2017 the proposed memorial was discussed by the thirteen members present. A vote in favour of the faculty application was passed by twelve votes in favour and one against.

It could be considered ironic indeed that I am asked to make my decision during Holy Week, where in this matter twelve people are of one accord whereas the thirteenth person has quite different views. The support for this proposal of a substantial majority of the elected representatives of the parish bears considerably upon my decision recorded below.

Diocesan Advisory Committee advice

5. On 18th January 2018 the petition was considered by the members of the Diocesan Advisory Committee. A notification of advice was issued on 23rd January 2018 whereby it was indicated that the Committee did not object to the proposed memorial. The reasons for giving a certificate of no objection specified were as follows : “the memorial could not be unqualifiedly recommended because neither the proposed kerbstones nor the material (polished granite) are acceptable within the regulations”.

Public Notice

6. Following receipt of the advice of the Diocesan Advisory Committee a public notice concerning the Petition was displayed at St James’ Church from 4th February to 10th March 2018. No objections have arisen following the display of that notice.

The Churchyard Memorials Regulations

7. In March 2012 the Chancellor issued regulations for Memorials in Churchyards within the Diocese of Coventry. The regulations state that a memorial should be no more than 4 feet high, no more than 3 feet wide, no more than 6 inches thick (and no less than 3 inches thick unless made of slate). The dimensions of the proposed headstone are both smaller than the maximum height and width requirements.
8. As regards the proposed material to be used, the regulations state : “Polished granites, marbles or synthetic stone are contrary to these regulations. Memorials of this kind have become very popular in municipal cemeteries in recent years, but unfortunately these polished stones tend to stand out in a churchyard. Such stone rarely blends well with the church itself, and looks out of place amongst memorials made from the more traditional kinds of stone. Where, through a lack of adherence to earlier diocesan rules, certain areas of graveyards have become partially dominated by such alien stones, PCCs are

reminded that this is no reason to let the practice continue and are urged actively to discourage the use of such alien stones. The fact that memorials of this kind may already exist in a churchyard is no indication that another one will be permitted. However, where there is already in existence 6 (six) or more stones which are of the same material, design and colour, but do not meet these regulations at the date of publication, the incumbent may, with the Archdeacon's consent decide, on pastoral grounds, to permit the continuation of stones of the same material, design and colour as those existing to complete a clearly defined area or row". It is further stated that "gilding or silvering of lettering is not permitted . . . without a faculty" and "Other shapes of memorials, such as an **open book** or like a **heart**, are not permitted". It is also specifically stated that "Kerbs, chippings, railings and chains" are contrary to the regulations, because they "present problems of maintenance". The regulations also state that only a single flower-holder should be permitted.

9. As regards the addition to memorials of engravings, the following is said : "The inclusion of symbols, whether in low or high relief can often be visually delightful and a positive contribution to their setting, provide variety of interest and avoiding the repetition of standard catalogue images but it is important to maintain an acceptable standard of design of such symbols. Frequently the motif is the traditional Christian symbol of a cross. A plain cross not exceeding 6" in height may be permitted by the incumbent without a faculty. All other symbols are only allowed by faculty and designs must be fully described on the application form. Sometimes, the engraving is flowers or reflects something of particular interest in the life of the person who has died, such as a dog, a bird, a fishing rod, a tractor, a musical instrument or a motorcycle. Provided the motif is small and well carved, there can be no intrinsic objection. After all, our churches are full of small, often irreverent, but interesting designs, and symbols, which can be seen in gargoyles, stained-glass windows and misericords. A faculty is unlikely to be granted for a headstone dominated by a proposed engraving such as an electric guitar, a teddy bear or a sports car, however much the object in question featured in the life of the deceased individual."
10. In a paragraph headed "General Approach" it is stated in the regulations : "The general approach is that each churchyard should be harmonious in appearance, and it should form a worthy setting for the church in its midst (many of which are listed buildings in conservation areas). Harmony does not mean uniformity but the design and choice of material for a memorial should seek to ensure its successful integration with the established character of the churchyard.

Headstones need not be restricted to a conventional rectangular shape. Attractive, well-conceived new designs by skilled and imaginative craftsmen are genuinely encouraged. Harmony does, however, mean that stones should be compatible with, and appropriate to, their surroundings and that no memorial should stick out like a sore thumb.....A churchyard is not a private place in which anything is acceptable. It is a place where many people have a shared interest in its appearance. Nobody wants to see the appearance of a much-loved churchyard, or part of it, spoilt by the introduction of an inappropriate new headstone or other memorial. That this has happened in various places, even in recent times, cannot be denied. One of the objects now, however, is to help prevent it happening again....”

Arguments presented by Petitioner

11. The Petitioner is well aware that polished dark grey granite is ordinarily contrary to the Churchyard regulations (see in particular regulation 6.2) and has provided photographic evidence of a considerable number of polished stone memorials within the Churchyard. The regulations do, of course, permit relaxation of the usual rules where a sufficient number of similar memorials already exist in a particular area, if that is considered appropriate. Within the photographs are also shown a large number of memorials with kerb-stones, two of which are noted to have been permitted within the past few years by means of faculty.
12. Together with the Petition Mr Williams has set out certain arguments and explanations in a letter to the Diocesan Registry, dated 13th November 2017. He relates that the Family has carefully selected the proposed memorial ‘*as a fitting and long-lasting tribute*’ that ‘*fits the surrounding environment, is of quality construction and does not have a negative impact of (sic) the wonderful churchyard that is at St James.*’
13. As regards the open book design it is argued that the proposal is for a traditionally shaped headstone, with the book motif engraved onto the surface, rather than being a memorial shaped like an open book, which appears to be the mischief regulation 7.1 is meant to prevent. There is some force to this argument. The regulations are to help prevent memorials that ‘stick out like a sore thumb’, either from unusual shape or by being dominated by an over-sized engraved image. Although what is proposed is a large engraving, it is really only a frame for the text in memory of the deceased. As such I do not believe that the proposal actively offends against the purpose of the regulations.
14. As regards the use of kerb stones, Mr Williams relates that this was a feature of other graves of which the deceased was particularly fond. The family has suggested that this feature ‘*would complete the plot and only lead to enhance the quality of memorial within this area of the Churchyard*’, continuing ‘*and*

has been specifically chosen to provide a long-lasting and fitting memorial to our late father, which will long outlast the generations of family members that are alive today'. That argument is not particularly compelling. It is principally the headstone, bearing as it does text relating to the deceased, that would amount to the long-lasting memorial to John Williams. The kerb-stones are an embellishment that are specifically stated to be contrary to the regulations, particularly because they present problems with maintenance.

15. The Petitioner did specifically make mention of the maintenance issue. He stated *'the kerb-set chosen is of simple, tasteful, high-quality design and does not include chippings, railings or chains and as a result we do not foresee any issues regarding maintenance.'* That again is not a compelling argument. One of the main issues with maintenance is that the area surrounding the upright headstone cannot be mowed and can easily become overgrown, producing an unsightly area within the otherwise mown churchyard. In fact, the Petitioner could almost be said to have delivered an own-goal in the photographs he has enclosed with the petition, as several of these show graves with kerb-stones that have become overgrown from lack of maintenance. This issue can often be solved by the family agreeing to enter into a long-term maintenance contract for the grave. However, the issue has in effect been mentioned by Mr Williams where he stated, *'the durable quality, construction and installation by an approved stone mason with a long-standing reputation for quality will serve as a tasteful memorial for many generations of family members to visit **without the burden and expense of continued maintenance**'*. (Of course, I acknowledge he was intending to indicate that the memorial itself would not need to be maintained, rather than referring to mowing/gardening, but the wish to avoid ongoing expense is mentioned).

16. Should I appear overly negative of the explanation or argument put forward by the Petitioner I consider it appropriate to mention one particular point from his letter that has had a particular impact upon my decision. Having earlier described the feelings of loss felt by the family at the death of John Williams, describing also the necessary adjustment to the absence of a much loved relative, Mr Williams has related one issue that has clearly caused considerable distress to those still grieving the loss. The Petitioner stated, almost as an aside, *"It would also appear that the plot has in the past been used as a potential thoroughfare for individuals navigating their way around the churchyard and has been noted on one occasion a footprint on and around the plot, a kerb-set although may not totally eliminate this would in our opinion form a natural and visual boarder (sic) around the plot and encourage individuals passing through the churchyard to stick to the footpaths between each grave"*. This is clearly a particular pastoral issue for this family, likely to be repeated when (presumably) the grave is reopened for the interment of John Williams' Widow. It is important for the Consistory Court to at least have regard to particular pastoral issues raised during the course of the application process for any faculty. This particular pastoral issue, seen together with the evidence of

there already existing in the Churchyard a considerable number of grave plots enclosed by kerb-stones, are the elements that particularly support why that part of the petition should be permitted.

17. As regards the use of 'polished granite' the Petitioner noted that regulation 6.2 refers only to 'polished' granite and does not appear to give a prohibition against granite itself. He highlights that in the proposed memorial only the obverse of the upright headstone would be polished, with all other surfaces being of honed granite. He has attempted to address the issue, raised in the regulation by "these polished stones tend to stand out in a churchyard. Such stone rarely blends well with the church itself, and looks out of place amongst memorials made from the more traditional kinds of stone", by saying the following :- *'Due to the position of this plot within the Churchyard, the polished granite face of the headstone is only visible whilst an individual is facing away from the Church therefore it is our belief that in this instance would not create an issue with blending in with the church itself.'* This is not a compelling argument. The mischief to be avoided, as I stated earlier, is to prevent memorials that 'stick out like a sore thumb'. It seems to me that it would matter not whether the imagined visitor was looking towards the Church or instead was attempting to enjoy the view looking away from the Church building. However, given the conflicting nature of the material mentioned in the Petition with the Churchyard Regulations, it is particularly relevant to see whether the proposed memorial was likely to stand out amongst the other memorials already in place. This is an issue Mr Williams specifically raised in his letter, highlighting the proliferation of polished granite memorials within the part of the churchyard where John Williams is interred. In fact there are a very large number of polished stone memorials throughout the entirety of the Churchyard, many of which also feature kerbstones. (I note also that a good many of these memorials also feature gold or silver lettering, which are impermissible without faculty under the regulations). I am mindful that the regulations enjoin Parochial Church Councils to actively discourage the use of such 'alien' stones, but am of the opinion that in this particular churchyard no offence is likely to be caused by the selection of a single polished dark grey granite face on one part of the proposed memorial.
18. As regards the use of silvered lettering the petitioner argues that this *'would blend very well with the dark grey granite colour of the headstone face. Due to the nature of the stone and the close colour match between silver and the granite it is our opinion that this particular combination would ensure that the inscription indeed does harmonise very well with underlying stone, considerably more so than if the suggested black or white letters were chosen.'* This argument is well made. Silver lettering is not deemed wholly impermissible under the regulations, it simply is required that such colouring must be the subject of a faculty petition. The word 'harmonise' is used several times throughout the regulations and the grieving family have clearly given considerable thought to their proposal to use silver lettering. I note the use of

both gold or silver lettering on numerous other polished granite memorials within the churchyard and make comment simply that gold lettering appears more ‘intrusive,’ within this particular churchyard, than silver.

The wording requested

19. The Churchyard regulations specifically state that [the inscription upon] a grave stone should be informative to future readers. This application is also for the use of the inscription “*In Loving Memory of JOHN WILLIAMS Passed Away 23 November 2016 Aged 82 Years. Beloved Husband, Dad and Grandad.*” Although once it would have been considered inappropriate to use the expressions ‘Dad’ or ‘Grandad’ upon a gravestone there is nowadays unlikely to be any reasonable objection to these particular terms of affection. Below the inscription is intended to be the words “*Missed, Loved and Remembered by us all - Always.*”. The proposed inscription is not biblical, but neither is it irreverent or likely to offend. I see no reason to oppose the proposed wording.

One remaining issue

20. The regulations state that only a single flower-holder should be permitted. Here there is requested a single flower-holder, but the Petitioner has proposed that the flower-holder should be engraved with the name ‘John’. No explanation for this has been put forward. It has been noted previously that it is apparent it is intended that John Williams’ widow will one day also be interred in this grave. Would it be proposed that her name should also be added to the flower-holder, or would the family then seek, contrary to the regulations, a second flower-holder also bearing her name? I note that within the photographs provided there is shown one other grave where an addition to the memorial (a heart shaped stone) bears the name of the person interred, but that was clearly where the man interred was known habitually by one of his several middle-names. Nowhere is there evidence of another grave with a name engraved upon the flower-holder. It appears to me that it is the headstone that is intended to provide the information here for those viewing this lasting memorial as to the history and background of the person interred. There appears no reason why further engraving should be permitted upon the flower-holder.

Decision

21. Owing to the matters expressed above, I am satisfied that there are good and cogent reason why a faculty should be granted permitting the use of a honed granite memorial with polished obverse to a headstone with the proposed incised design and permitting the wording suggested upon the headstone. The faculty will further permit the inscribed design and lettering to be in silver. Permission will also be given for the proposed use of kerbstones and a single flower-holder. Permission is not given for the flower-holder to be inscribed with the name ‘John’ or at all.

Subject to the following conditions, let a faculty be issued :-

Conditions

That following erection of the memorial the Petitioner shall :

- (a) Notify the Churchwardens of the Parish that the works have been completed in accordance with the faculty, so that details of the works performed can be entered in the Church Log Book within one month of the completion of the works ; and
- (b) Supply to the Churchwardens of the Parish a copy of the diagram of the headstone so that these can be retained with the Parish records.

22. Save for the ordinary fees required in pursuing a private petition for erection of a memorial there shall be no additional order as to costs.

Glyn Ross Samuel
Deputy Chancellor
28th March 2018.