

2016 ECC Lin 2

In the Consistory Court of the Diocese of Lincoln

In the matter of St Guthlac, Market Deeping

And in the matter of application for Faculty ref: 4374

JUDGEMENT

1. The Petitioners seek a Faculty to replace the existing tower clock dial with one made from Glass Reinforced Plastic (GRP) with restoration of the existing clock hands and dial motion works. A report by Time Assured Ltd dated 18 September 2015 is relied upon to support the application.

2. St Guthlac's is a Grade 1 listed building with phases from the 12th century to the 16th century. It was restored in the 19th century by James Fowler of Louth. The clock mechanism dates from 1765. The Petitioners consider that the clock face post-dates the photograph in my papers which they date as late 19th century/very early 20th century.

2. The DAC did not recommend the proposal to me following their meeting of 6 October 2015. Their principal reasons are stated to be:

"best conservation practice and philosophy would say that the current dial should be restored and this would keep the historical significance of the dial which is highly visible to the community and to motorists passing by".

3. The DAC recommended consultation with the local planning authority and Historic England. SKDC through their Area Planning Officer (North Urban) Louise Parker has stated in an email dated 14/12/2015 that there is no need to consult the local planning authority because of the ecclesiastical exemption. This response surprises me. The exemption applies to all works inside a church, but external works do require secular planning consent, unless the external works are 'like for like' repairs. I do not think that the proposal for a replacement clock face with a GRP face is a like for like repair.

4. Historic England's ('HE') letter dated 27 January 2016 from David Walsh, Inspector of Historic Buildings and Areas, sets out their opinion which does not support the proposed scheme. Mr Walsh states that the tower clock is a 'highly visible element of the church and provides a historic function. It contributes to the church's significance and special interest'. HE opposes the proposal, and supports the repair only of the dial, because:

(i) the loss of the existing dial would be harmful to the significance and architectural and historic interest of the listed building through the loss of historic fabric as well as the loss of the original design intent and method of construction

(ii) GRP would be an inappropriate material because it would not have the appearance of a metal disc particularly after that disc has aged as this one has.

(iii) they are not convinced that the longevity of GRP has been proven particularly in the very exposed position in which this clock face would be placed.

5. In a careful and helpful letter dated March 2016 the Petitioners set out their case for the replacement of the existing dial with one made from GRP. Their points are:

(i) the dial is heavily pitted especially on the lower half

(ii) out of the 3 options put forward by Time Assured Ltd in their report (for which the charge will be the same) they have rejected (a) refurbishment of the existing dial and (b) replacement of the dial with a stainless steel disc and opted for (c) a GRP replacement. The reason for this option is the lower maintenance costs for a GRP face. The Petitioners have been assured by Time Assured Ltd that such dial would retain its colour because it will have been bonded in during the manufacturing process and so will not need repainting over its lifetime of 30-40 years.

(iii) in respect of the DAC point that the dial is visible to passing motorists, this point is only valid for those travelling north.

(iv) in respect of HE's point that a GRP face would be contrary to the original design intent, they submit that the current face cannot be the original. They rely upon the photograph to which I have already referred. The current dial is smaller than the dial shown in the photograph which would most probably have been wood or plaster and not metal.

(v) passers by would appreciate the freshness and clarity of a GRP face for a longer period than if refurbishment alone took place.

(vi) St Peter's Navenby and other churches have been granted a Faculty for a GRP face and therefore a precedent has been set.

6. The law that I must apply is set out in re St Alkmund, Duffield : The Arches Court of Canterbury 2012 which provides a new framework for decisions of this kind to that set out in the 'Bishopsgate questions' (Re St Luke the Evangelist, Maidstone 1995 Fam1). The framework suggested is:

(i) would the proposals if implemented result in harm to the significance of the church as a building of special architectural or historic interest?

(ii) if the answer is 'no', the ordinary presumption that matters should remain as they are can be rebutted more or less readily, depending upon the nature of the proposals.

(iii) if the answer is 'yes', then I must ask myself (a) how serious would the harm be? and (b) how clear and convincing is the justification for carrying out the proposal?

(iv) bearing in mind the strong presumption against proposals which will adversely affect the special character of a listed building, will any resulting public benefit outweigh the harm? In answering this question, the more serious the harm the greater will be the level of benefit required before the proposals could be permitted. In Grade 1 or 2\* buildings only exceptionally could serious harm be permitted

7. The report of Time Assured Ltd dated March 2016 states that the dial is 6 feet in diameter and made of copper or zinc with a backing panel. It is decorated in blue with gold hands, numeral and minute marks. From the photograph in their report, I consider that it is a fine church clock in an attractive blue shade with Roman numerals in gold. However, it plainly needs some work to be done on it.

8. They have proposed the restoration of the dial (including the application of 23 1/2 carat gold leaf double thickness to the numerals, hands and minutes), in situ using roped access for the sum of £2,984 plus VAT. For the same price they are able (a) to replace the existing clock dial with stainless steel and then to powder coat the dial, paint the hands and remark the existing configuration of the dial and then apply 23 ½ carat double thickness gold leaf or (b) replace the dial with new dial in GRP to the exact dimensions of the original dial. They would apply a coat of rust inhibitor primer to the hands followed by a metal top coat. mark out the dial in the same configuration as now and apply 23 ½ carat gold leaf double thickness to the numerals, hands and minutes. In all the estimates the dial motion works would be dismantled, cleaned and lubricated.

9. I note that there is no suggestion in this case that the existing metal clock dial has to be discarded because it is so badly worn or in such a state of disrepair it is not possible to refurbish it. The Petitioners have cited the faculty that I granted at St Peter's Navenby as additional support for their proposals. There are significant differences between this application and that granted for St Peter's Navenby, the most important of which is that no one suggested that the clock face at St Peter's Navenby was of special architectural or historic interest (or that it contributed to the special interest of that Grade 1 listed church). The clock dial at St Peter's was made of wood not metal. In the St Peter's faculty, HE had no objection to the clock face being removed and replaced with a new clock face. However their opinion was that instead if it being made in GRP as the Petitioners wanted, it should be made in a new material such a stone, metal or wood.

10. This clock face at St Guthlac's is different to that in St Peter's Navenby, because here it is asserted by HE that the clock face is of special interest (either architectural or historic or both) and hat it contributes to the special interest of St Guthlac's. So, the first issue which I must decide is whether HE are right to categorise the clock face in this way. The Petitioners rely upon the fact that the clock face post dates the historic photograph to which I have referred and they ask in those circumstances how can it be said that this clock face can be of special interest (either architectural or historic)?

11. In my judgement this clock face does fall within the category contended for it by HE. It must have been in place for at least 100 years (and probably longer) looking at the historic photograph. It is an attractive clock face with the blue of the metal face providing the setting for the gold Roman numerals and hands. It has been in place for sufficient time for it to contribute to St Guthlac's Grade 1 special interest (either architectural or historic). To discard the existing clock face would be a loss not just because the historic fabric would be lost, but also because the design that has been there for 100 years or so would be lost too. Where HE refer to the 'original design intent' I do not understand that to be a reference back to Fowler of Louth and his Victorian redesign, but to the persons, whoever they may be, who designed and manufactured

this clock face around 100 years ago. It is a piece of work that falls within the Grade 1 special interest of this church.

12. In those circumstances the next questions which follow are:

- (a) how serious would the harm be that would be caused by the proposals?
- (b) how clear and convincing is the justification for the harm?
- (c) will the public benefit achieved by the proposals outweigh the harm caused?

13. In terms of this existing clock face the harm done would be very serious indeed because it would be removed. The answer the Petitioners have to this is that it would be replaced by a GRP face which would be the same as what had gone before and therefore the appearance of the church tower with the clock face would be the same. Furthermore, they submit, because GRP would not weather as the metal clock face has done nor require the same amount of maintenance, therefore additional funds would be released for other work by the church.

14. I am not persuaded by these arguments. Firstly the clock face in GRP will over time look different to the metal refurbished clock face because it will not weather (on the basis that the claims made for it are right). The weathering process is part of the melding of buildings and environment which we value particularly in our Grade 1 listed buildings and particularly with our churches. Secondly, it is accepted that the PCC in 30-40 years time will need to replace this GRP dial if it was installed. I am not persuaded that over time what the PCC gains from savings on maintenance of the clock face because it is made of GRP will be so great as to justify the expenditure of an entirely new face in GRP in 30-40 years. Also I note that the argument about maintenance savings can only relate to the clock dial. The numerals and the hands (as well of course as the mechanism) will need to be maintained in the usual way. Those costs will continue whether a GRP or a metal dial is used. I have not been told how much money the PCC have spent on the maintenance of the appearance of just the clock dial (as opposed to numerals and hands and the mechanism): whatever amount has been spent on this would have to be greater than the cost of a replacement in 30-40 years to justify this proposal in purely economic terms.

15. Weighing all these matters together I am afraid that I cannot permit this faculty which I must refuse given that it is limited to a GRP replacement. I would be minded to grant a Faculty for the refurbishment/repair of the existing clock face in keeping with option 1 of the Time Assured Report subject to a fresh application for a Faculty with the advertisement process completed, and further DAC and HE advice.

16. I am sorry that this decision will disappoint the Petitioners. I am grateful for the thoughtful way in which they have sought to justify their proposal.

Mark Bishop

Chancellor, 15 April 2016