

Neutral Citation Number: [2024] ECC Win 2

In the Consistory Court of the Diocese of Winchester

In the Parish of Basingstoke

In the Church of St Michael

In the matter of: Comprehensive re-ordering including removal of chancel furniture and some pews; installation of glazed lobby; kitchenette and WC facilities; removal of some pews and installation of stackable chairs; various internal changes; removal of the pulpit

Introduction

1. St Michael's church in Basingstoke is a Grade I listed building. The building itself is mainly the result of Basingstoke's fifteenth and sixteenth century prosperity as a wool town. The internal furnishings have changed over the centuries but currently derive from the Victorian period.
2. The Petitioners in these proceedings for a faculty seek permission for a fairly comprehensive internal re-ordering intended to support its new status as a 'Resource Church'.
3. I visited the church on the 12th of March and have read all the documents submitted by the Petitioners and others.

Removal of a tree

4. In addition to the internal re-ordering discussed below, the Petitioners also seek the removal of a huge Western Red Cedar tree outside the southern entrance. I agree with the assessment of the Petitioners' arborist that this is "an inappropriate species for its location", and am content to grant a faculty for its removal (subject to the conditions suggested by the DAC). To do so will bring benefits both for the mission and ministry of the church and also for the appreciation of the listed building, which at present is somewhat hemmed in by large trees and built development on all sides.

Internal proposals

5. The proposals for the interior had proved controversial, but modifications made by the Petitioners to retain a greater proportion of the historic seating have resolved the majority of the objections to the scheme. As matters stand, the main parts of the proposals are as follows:
 - a. Installation of new glazed secondary doors to west entrance;
 - b. Installation of glazed lobby and WCs beneath organ at southern entrance;
 - c. Installation of kitchenette beneath gallery, and linked servery, in north aisle;
 - d. Existing timber poppy-ended pews shortened and relocated from nave to positions in north and south aisles where they can be fixed in place;
 - e. Introduction of timber stackable chairs in nave;
 - f. Existing civic pews in south aisles reduced and reconfigured;

- g. 6 of existing ‘Y’ ended pews from the aisles reconfigured and made moveable, remainder removed;
- h. Removal of chancel furnishings;
- i. New raised timber platform projecting from chancel into nave;
- j. New storage and access ramps around the chancel area;
- k. Removal of the pulpit.

Responses of consultees

- 6. The Georgian Group, 20th Century Society, Church Buildings Council, and DAC are all now content for the proposals to proceed, subject to conditions. The Victorian Society, and to a lesser extent Historic England and Basingstoke Heritage Society, retain concerns about the final item.

Assessment of the scheme

- 7. The framework for the court’s consideration of this petition is provided by reference to *In Re St Alkmund, Duffield* [2013] Fam 158 and *Re St John the Baptist, Penshurst* [2015] PTSR D40. Paragraphs 21 and 22 of the *Penshurst* judgment set out the guidance of the Court of Arches, as follows:

21. For those chancellors who would be assisted by a new framework of guidelines, the court suggested an approach of asking:

“(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.....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 character of a listed building...., 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 to a building which is listed grade I or II*, where serious harm should only exceptionally be allowed”.

22. We make four observations about these questions: (a) Question (1) cannot be answered without prior consideration of what is the special architectural and/or historic interest of the listed church. ... (b) In answering questions (1) and (3), the particular grading of the listed church is highly relevant, whether or not serious harm will be occasioned. ...(c) In answering question (4), what matters are the elements which comprise the justification, including justification falling short of need or necessity (see *Duffield* paras 85-86). ... (d) Questions (1), (3) and (5) are directed at the effect of the works on the character of the listed building, rather than the effects of alteration, removal or disposal on a particular article.”

8. I can say shortly that I share the consensus of the Petitioners and the current and erstwhile objectors that the majority of the proposed internal works are acceptable, in that they strike the right balance between the needs of the church community and the importance of preserving the significance of the listed building. Some elements of these proposals (most notably the provision of new secondary doors at the west entrance) will enhance that significance. The net effect, however, is a harmful one (albeit that I find that harm is justified by the benefits the scheme would bring).
9. In that context I turn to assess the remaining controversial item, namely the removal of the pulpit. I will first address the contribution of the pulpit to significance, and then the questions suggested by the Court of Arches.

Contribution to significance

10. As I observed in opening, the church building itself is of various ages and, for the most part, does not date from the Victorian period. I begin with the clear understanding that the majority of the significance of the church is independent of the pulpit and will be unaffected by its removal. I now consider in more detail the contribution that the pulpit does make to significance.
11. The pulpit is a memorial to Samuel Wilberforce, sometime Bishop of Winchester, added to the church in 1873. It was designed by the architect Charles Buckeridge, a pupil of Sir George Gilbert Scott. Buckeridge also died in 1873, at the age of 40, meaning that the pulpit is one of his last works. I am told by the CBC that he “was very influential in his day and was included in a list of 1912 by Maurice Adams in the RIBA Journal of the 100 foremost architects of the 19th century” The pulpit itself is made of oak and stands on an octagonal base.
12. The pulpit stands just to the west of the chancel arch, on the north side. It sits directly in front of a hole in the chancel wall, of which there is one on each side of the arch. In response to my queries the Petitioners inform me that these holes are “squints”. It is not clear when they date from (the Petitioners appear to suggest either the 16th century, when the nave was widened, or 1840, when it was refurnished). I approach the matter on the basis that they were there significantly before the pulpit.
13. The Petitioners’ statement of significance does not mention the pulpit, as far as I can see, in its assessment of the significance of the church. My own assessment is as follows. The pulpit makes some contribution to significance, both by its presence as part of a largely Victorian interior, by its quality and inherent attractiveness, and by its historical associations with Bishop Wilberforce and the architect Charles Buckeridge. It does not, however, form part of a particularly important or coherent scheme of internal furnishings, is not of outstanding artistic merit and its historic associations, whilst interesting, are not of the first rank of importance or significance.

Harm

14. In answer to questions (1)-(3), it follows from my assessment above that the removal of the pulpit would cause some limited harm to significance. It would clearly not cause serious harm in my view.
15. I have considered whether there would in effect be a benefit to significance either through (1) better revealing the ‘squin’ in the chancel wall and/or (2) restoring architectural symmetry (as the petitioners have claimed). On balance I do not see any meaningful benefit here. Part of the interest of a historic building of this nature is the interaction between different phases of its history, which will not always be neat or particularly logical. In purely aesthetic terms, I do not think the look of the church would be improved by the removal of the pulpit, which adds visual interest as one looks east towards the chancel.

Justification

16. The Petitioners’ Statement of Needs sets out the following justification for the removal of the pulpit:

To allow for our choir to both fit on the platform and also from what we have learnt in our trials, to be heard, we need the choir in front of the arch and extending to the sides. To allow for this we need to remove the existing and unused pulpit, which is freestanding from the church fabric and of relatively low historical significance. This is not used in any of our services and hasn’t been for many years, but it sits in exactly the space that the choir will need to be to make a success of their new position. Its removal will also restore the symmetry and sight lines to the Chancel. The pulpit is suitable for dismantling for re-use in another Church.

17. In response to continued concerns from the Victorian Society, the Petitioners’ architect also made the following observation:

the retention of the Pulpit in its current location would result in an unacceptable loss of seating capacity as well as severe limitations being placed on their worship needs as outlined in their Statement of Need

18. The Petitioners have also considered the lesser intervention of moving the pulpit elsewhere in the church, but have rejected that for the following reasons (set out in their response to consultees’ comments dated 26 September 2023):

The church have explored alternative locations for relocation of the pulpit whilst still meeting their immediate worship needs, including within the Memorial Chapel and side aisles. These locations all proved challenging in terms of scale and appropriateness, impacting on the character of these spaces. The north east corner of the Memorial Chapel was the only realistic possibility but this would have prevented the meaningful re-use of the y-ended pews in the same location.

19. I note that Historic England, who have concerns about the removal of the pulpit, also reject the option of relocating it elsewhere within the church. I agree that relocating the pulpit, particularly to the Memorial Chapel, would be unsatisfactory. I will therefore assess the case as presented by the Petitioners, namely full removal.

20. In that context I consider the benefits relied on by the Petitioners in turn:

- a. Choir: I am unconvinced by this justification. From my assessment the pulpit would not impinge greatly on the area available for the choir to stand to the west of the chancel arch. I am not clear why it is said that the removal of the pulpit will enable the choir to be heard. I very much doubt that the removal of the pulpit would make any real difference to the audibility of the choir in the majority of the church. I do not accept that the pulpit would constitute a “severe” limitation on the church’s worship needs;
- b. Restore symmetry: I have already dealt with this supposed benefit above. I do not find it to be a meaningful benefit for the reasons given;
- c. Sight lines: as the Victorian Society has observed, the Petitioners have not presented any assessment of the sight lines that would be opened up by removing the pulpit. Based on my own assessment when visiting the church, any such benefit would be fairly limited, particularly given that the new wooden platform will project forward beyond the pulpit;
- d. Loss of seating capacity: I do not understand this benefit, as the pulpit is not in an area proposed for congregational seating. If it refers back to space for the choir, or to opening up sight lines to areas of congregational seating, I have dealt with that above.

21. It follows that, whilst there is some justification for the removal of the pulpit, I do not find the justification to be sufficiently clear and convincing to outweigh the harm that would be caused to the significance of this grade I listed church. I will therefore grant a faculty but subject to the condition, *inter alia*, that the pulpit must remain. I accept that this will mean that the pulpit continues to be unused, at least for the present, but find that is a more desirable outcome than removing it from the church.

Conditions:

1. Notwithstanding the details submitted, the pulpit shall not be removed but shall be retained in situ.
2. Details of any mechanical and electrical elements of the proposals are to be submitted for approval by the DAC (or, if such approval is not granted, to the court). The works are to be carried out in accordance with the approved details.
3. An archaeological watching brief must accompany any below ground works.

4. For the proposed loss of a tree, suitable mitigation must be provided. This can be in the form of replanting of a suitable native species in a sensible location. Any alternative mitigation that is proposed must be returned to the DAC for consideration and approval.
5. The proposed works must comply with BS 3998 recommendations for tree work.
6. The proposed tree works must be carried out by trained, competent and appropriately insured arborists.
7. Special care must be taken not to disturb birds and bats that nest or roost in trees, in line with the Wildlife and Countryside Act 1981 and Habitats and Species Regulations 2017 and the tree surgeon should inspect the trees accordingly prior to undertaking works.

Cain Ormondroyd
Chancellor of the Diocese of Winchester

22nd March 2024