

Neutral Citation No. [2019] ECC SEI 4

IN THE CONSISTORY COURT

DIOCESE OF ST. EDMUNDSBURY & IPSWICH

**In the matter of
BECCLES, ST MICHAEL THE ARCHANGEL**

-and-

**In the matter of
THE PETITION OF THE REVEREND RICHARD HENDERSON,
PHILIP FILER AND DIANA MOLINEAUX**

Judgment of the Chancellor

August 11, 2019.

JUDGMENT

1. This Petition deals with the second phase of a project to re-order this church.
2. It requests permission by way of Faculty to build a servery against the west end of the north wall of the nave including refrigeration, washing and draining, cooking and serving facilities.
3. It further requests the removal of seven rows of pews from both sides of the central aisle at the west end of the nave together with two pairs of linked redundant Victorian radiators behind those pews. It seeks permission to remove two rows of pews at the front of the nave to align with adjacent pillars and to create a more flexible space on the dais. It also seeks to remove three rows of pews at the east end of the north and south aisle and the removal of two further redundant Victorian radiators on either side of the existing dais and the extension of the dais to provide a level surface from the chapel to the choir vestry with two ramps in the north and south aisles to match the existing ramp in the central aisle.
4. It asks for permission to relocate the font to the south side of the church with a step platform at its base.

5. St Michael the Archangel is Grade 1 listed and is a distinctive building in Beccles overlooking the River Waveney. It has been praised for its balanced proportions. It dates from 1370, was built by the abbey of St. Edmundsbury, is perpendicular in style and has a distinguished south porch built around 1455. The somewhat plainer north porch contains its own gems. The west doors lead to a paved terrace above the roof of the undercroft constructed in the 1970s to provide meeting rooms, kitchen and the usual offices. The roof was reconstructed following the great fire of 1586 in the reign of Elizabeth I. There is a (detached) tower built at the east end of the church to suit the terrain. The church was restored in the Victorian era and the pews of the central aisle, the pulpit and the choir stalls are from this period. The chancel screen was installed in 1919.
6. There are impressive stained-glass windows dating from the Victorian era including one in the chancel window commemorating Queen Victoria's Golden Jubilee (1887). There is an undercroft dating from the last century which is used for church and community groups.
7. The need for this second phase of reordering is said to be that the undercroft is unsuitable for those with mobility problems, that the space there is limited, that catering is difficult when functions are held on the terrace or in the nave and that it restricts the range of catering services that the church could offer. The demand to use the church already exists, but it is hampered by the features mentioned.
8. It is said additionally that the re-ordering will create both a flexible and accessible space in respect both of worship and performance arts such as concerts. Steps and radiators, which provide further obstacles for those with mobility issues, will be removed.
9. The local authority was rightly consulted as a courtesy. It does not object to the proposal but confesses to limited knowledge of the building. The Church Building Council deferred to this Court's judgment but observed that it did not think the justification was sufficiently robust to justify the extent of the pew removal, particularly if the pews had any special significance. Historic England questioned whether the raised platform was too extensive and detracted from an appreciation of the distinction between the nave and the chancel. They also were concerned at the removal of the Victorian radiators and considered that the Victorian phase of works and internal character of the church would be dramatically altered by the changes.
10. The petitioners inform me that the pews are of low significance unlike the choir stall pews (not the subject of this petition). They are plain and have no features of special quality. They will not be replaced with additional seating of another kind. If additional temporary seating is required (estimated as being likely once or twice a year), chairs from the undercroft will be used. I have seen photographs of the pews to be

removed and the description of them by the petitioners seems to me to be fair.

11. The Victorian Society, whilst not wishing to become a party opponent to the petition maintains its observations in earlier correspondence that a major difference would be made if a small number of additional pews were retained both at the rear and the front of the nave. The Society also had concern that the large dais would resemble an empty stage (to use my word) rather than a church interior. The Society also identifies a critical point, namely that if alternative seating were to be installed to replace the pews that had been removed, it would object strongly to seating not in accordance with the Church Building Council's guidelines (that is upholstered or metal-framed).
12. In a reply to these points, the petitioners maintain that the proposals are intended to restore symmetry and balance between the north and south aisles and to provide an attractive and open area adjacent to the servery. The reply also points out that the removal of pews was recommended initially by the Diocesan Advisory Council (DAC) and refutes the suggestion that the space will be unused, empty or undignified. The area as it is now, it is pointed out, is widely used already. I have already referred to the issue of replacement seating in paragraph 10 of this judgment.
13. The DAC recommends the petition. In its opinion the work is likely to affect the character of the church as a building of special architectural or historic interest. I agree. There are no objectors, save for the reservations that I have noted and which I have taken into account in reaching my decision. As the proposed works, taken as a whole, are likely to affect the character of this church as a building of special architectural or historic interest the particular considerations of *In Re St Alkmund, Duffield* [2013] Fam 158 apply in performing the necessary balancing exercise when determining this petition.
14. I have concluded that the proposals, if implemented, would result in harm to the significance of this church as a building of special architectural and historical interest.
15. It is necessary to ask how serious the harm would be. I am satisfied that the removal of the pews in itself is likely to be of low to moderate harm. I am satisfied that the pews have no special significance and no-one has sought to argue that they have. The real issue here is the scale of the re-ordering which has been commented on more than once in the consultations. Again, I am satisfied that the provision of the servery will cause little harm and, although Historic England commented on the removal of the Victorian radiators, I consider the removal of those will cause at worst a low level of harm. Likewise, I find that little if any harm will accrue from moving the font as proposed. It is the extension of the

dais that causes at least moderate harm to the significance of the church as a building of architectural or historic interest.

16. I must then consider how clear and convincing is the justification for the proposals bearing in mind that the greater the harm, the greater the benefit that will need to be demonstrated to justify the proposals and I also remind myself that, if serious harm would result, the justification would need to be exceptional.
17. I have already set out the need as it has been expressed by the petitioners. It is important in my judgment that the need here is not a fanciful projection of what might be, but existing need based on the extensive use of this church.
18. It is clear that the demand for the services provided by the church does exist and I am satisfied that the development of this is hampered by the available space in the undercroft together with its location. This has already happened. The petitioners have presented a list of usage at present. I will not recite it all but it includes typical church-based events (weddings, the civic service, Remembrance Day and the like) but also community based functions too, such as the town twinning association, a food and drink festival, a Friday café, arts and craft exhibitions and a Christmas fair. When the 'new' Rector was collated and installed in 2018 (a function which obviously included the nave and terrace) the limitations of the undercroft and the fetching and carrying of food was apparent.
19. The dais is used for aspects of worship and to conduct concerts in the church.
20. It was also urged on me that the works would not make an appreciable difference to the character of the interior because it is a mediaeval building and not a nineteenth century one. It is said its most particular features are space and light. I should make clear that the Victorian Society rejects this characterisation.
21. It is true that this argument is sometimes heard, but in general it proceeds upon a misapprehension. The court is concerned with the church today. Most churches have been altered by successive generations and at times when there was not the degree of supervision and control that exists in this age. These changes have now themselves become part of the significance of the church. In a hundred years, another chancellor might well be faced with the argument that these proposals now before me, if implemented as a result of my decision, should be removed because they were not mediaeval in character. I hope the Chancellor then would also see such an argument as misconceived. I am satisfied that the Victorian re-ordering of this church was needed, important and significant. It has become part of the architectural and historic significance of this Grade 1 listed church: a listing which was given to it well after the Victorians had departed. Accordingly, on this point I accept the observations of the

Victorian Society and I have not taken into account on the Petitioners' behalf any benefit from this specific submission made by them or on their behalf.

22. I am grateful to the Church Buildings Council, Historic England and the Victorian Society for their careful and considered observations both commenting on the good in the proposals and expressing any reservations constructively and clearly.
23. The exercise of determining whether the petitioners have demonstrated a need sufficient to justify a moderate degree of harm to the significance of this church as a building of architectural or historic interest requires consideration of a number of aspects: the degree of harm, which I have assessed as at least moderate, and the real need.
24. I appreciate that sometimes petitioners might find the use of the word 'harm' puzzling. They would argue that, far from harming their church, they are helping to conserve it and are enhancing its qualities. It is not harm to the church that I am required to consider, but the harm to its *existing* significance as a building of special architectural or historic significance.
25. In this petition, I am impressed with the fact that this church is thriving in its community and I am keen not to restrict or damage its evident success. I accept that the features of its community role are, at the least, considerably restricted by the present limitations. The church needs the flexibility to move forward in its successful efforts to engage the community. This aids both its continued existence and its mission.
26. I have wrestled most with the extended dais and the removal of pews to accommodate this. I have taken into account that the pews are not especially significant and, although I understand the arguments about balance in the church, I am satisfied that the petitioners have themselves given careful thought both to their needs and to this aspect. It is also clear that these proposals have been thought necessary by the Parochial Church Council having witnessed on the ground both the success of their engagement with their churchgoers and with the community and the shortcomings in the present arrangements.
27. Weighing up all of these considerations, I find that the petitioners have proved to me to the necessary degree that the moderate harm that will be caused to the significance of this church as a building of special architectural or historic interest is justified by the need demonstrated.
28. As far as the proposals which I believe will cause low to no harm, including the moving of the font, I have no difficulty in finding that need has been established.
29. Accordingly, I grant this petition and order that the Faculty applied for passes the seal.

30. I make one condition and it is, consistent with what has been said to me in these documents by and on behalf of the petitioners, that no alternative seating be placed in the church except on a strictly temporary and occasional basis unless a Faculty for such seating has been sought. Before such application is made, recourse should be had to the current guidance on chairs issued by the CBC.
31. I have also considered the question of the redundant radiators. If they can be used anywhere in the church then I would commend that course. If they are to be disposed of, I would hope that a home might be found for them somewhere, if possible. However, I do not make the circumstances of any disposal a condition of this Faculty.
32. The petitioners will pay the costs of this petition in the usual way.