



Neutral Citation No: [2020] ECC Oxf 7

Faculty – Grade I listed church – Re-ordering of Lady Chapel - Re-instatement of the Victorian St. Peter & St. Paul stained glass window to its original position - Disposal of the Nicholson altar, riddel posts and canopy to another church

Application Ref: 2019-044039

IN THE CONSISTORY COURT
OF THE DIOCESE OF OXFORD

Date: Monday 14 December 2020

Before:

THE WORSHIPFUL DAVID HODGE QC, CHANCELLOR

In the matter of:

ST PETER & ST PAUL, BUCKINGHAM

THE PETITION OF THE REVEREND WILL PEARSON GEE (Rector), PATRICK NICHOLAS ERIC COLLINS and MIKE EVANS (Churchwardens)

Determined on paper

The following cases are referred to in the Judgment:

Re St Alkmund, Duffield [2013] Fam 158

Re St John the Baptist, Penshurst (2015) 17 Ecc LJ 393

Re St Peter, Shipton Bellinger [2016] Fam 193

JUDGMENT

1. By an online faculty petition dated 3 August 2020 the rector and the churchwardens of this Grade I listed church (consecrated in 1780 and extensively restored, extended and decorated in the Gothic style by the well-known architect Sir George Gilbert Scott in 1862-1866) apply for a faculty to permit the re-ordering of the Lady Chapel (at the east end of the south aisle of the church) to include the re-instatement of the Victorian St. Peter & St. Paul stained glass window to its original position, the disposal of the altar, the riddel posts and the canopy (all designed by Sir Charles Nicholson), the adaptation of the panelling, and associated works (including electrical works, redecoration and making good). Important moveable artefacts (the medieval pew end/kneeling desk and the Victorian lectern) will be placed in more prominent and accessible positions within the church building. Happily, since paragraph 25 of the petition was drafted, the petitioners have succeeded in finding a new home for the entire Nicholson altar at the Anglo-Catholic church of St. Thomas, Kensal Green, in the Diocese of London. The petition is unopposed and this is therefore a much shorter judgment than might otherwise have been the case.

2. The church feel the need to restore the light, and to create a more welcoming environment, in the Lady Chapel, which is not being used as a place for worship and prayer as was the original intention. At present, prayer groups tend to meet in other areas of the church due to the poor lighting and the cramped nature of the Lady Chapel. These conditions are determined predominantly by the size of the altar, which consumes some 25% of the floor space and entirely blocks out one of the two windows (as is apparent from the uploaded photograph). The other window is half blocked out by the 1800 mm high panels which further darken the Lady Chapel. As a result, the midweek service has (at the congregation's request) moved from meeting in the Lady Chapel to the Sanctuary. Research has shown that visitors tend to circumnavigate the church, finishing at, but very rarely entering, the Lady Chapel, which diminishes their experience of the church and prevents them from taking time to contemplate, or to pray in, the Lady Chapel. The church wish to make the Lady Chapel more open and welcoming so as to enhance the experience of visitors.

3. The proposals are to restore the window which depicts the church's two patron saints to its original position in the Lady Chapel; it is currently languishing in the kitchen. This will require lowering the existing oak panels to window-sill height to allow the light in and replacing the existing altar with a lower, and smaller, altar. These changes will allow increased congregational use of the Lady Chapel and will increase its appeal to visitors, encouraging greater engagement and enquiry about their faith. The proposals will restore the architectural integrity of the entire church building and particularly the Lady Chapel. The Chapel is not currently being used for its primary function as described by the Chapel architect, Sir Charles Nicholson, who stated that his chapels should "... offer a devotional focus, uncluttered and quiet. Such are the pastoral reasons why people wanted side chapels, for devotion not decoration".

4. The lack of natural light, and the overbearing size of the existing altar, which blocks one window entirely and covers 25% of the floor space, prevent the Lady Chapel from being used for anything other than individual prayers after Sunday services. To provide an area for quiet contemplation and prayer, both for the existing congregation and for visitors, the parish feel that the Lady Chapel must offer a more open and welcoming environment, as will be delivered by these subtle improvements. Prior to the works carried out pursuant to a faculty dated 30 November 1925, the window of the church's two patron saints was located in the Lady Chapel;

moving it back to its original position will restore the original view upon entry to the church building as envisaged by the designing architect, Sir George Gilbert Scott (and as appears from the uploaded photograph from 1910). The parish consider that a simple, smaller, less intrusive altar table should be installed as a devotional focus within the Lady Chapel. Visitors to the church are not entering, or benefitting from, the area of quiet contemplation intended to be afforded by the Lady Chapel. No services or prayer groups occupy the Lady Chapel as it is considered too impractical by the congregation, and too cramped and uninviting by visitors. The church urgently wish to address this failing.

5. In summary, the petitioners say that these proposals will enhance the architectural integrity of the church building by removing a later, 20th century addition that detracts from the Victorian structure. The present unwelcoming, disorderly clutter, and the oppressive lighting of the area, will be resolved, producing an area that is much more welcoming and uplifting, in keeping with the rest of the church building. The proposals will not affect any of the significant items in the church or its architecture. The relocation of those items identified in the listing particulars will make them more accessible; and returning the Lady Chapel, at least in part, to its original form will significantly restore the aesthetic and architectural integrity of Sir George Gilbert Scott's design. The Lady Chapel and its associated furnishings are not included in the listing particulars and are significantly at odds with the rest of the structure and furnishings.

6. The proposals have the full support of the PCC. They have been recommended for approval by the DAC, despite their advice that the works are likely to affect the character of the church as a building of special architectural or historic interest. Notice of the proposals has been published on the diocesan web-site pursuant to FJR 9.9 but no objections have been received in response to such publication. The usual public notices were displayed for 28 days from mid-September, during the period when churches were open for public worship (subject to social distancing) as well as private prayer.

7. The Victorian Society have been consulted and they are content with the proposals. Indeed (as one might expect) they welcome the reinstatement of the original stained glass window. Historic England, the CBC and the Twentieth Century Society have all been consulted. They are all content with the proposal on the basis that the Nicholson altar will be re-located in its entirety, and as a single piece, to the Anglo-Catholic church of St. Thomas, Kensal Town, in the Diocese of London, and that the angels and riddel posts will not be separated from the altar-piece. This has been confirmed in emails from Tim Jones, the BPC Fabric Chair, to Jennie Schillig of the DAC on 7 September and 26 November 2020.

8. Since the church is a Grade I listed building, this faculty application falls to be addressed by reference to the series of questions identified by the Court of Arches in the leading case of *Re St Alkmund, Duffield* [2013] Fam 158 at paragraph 87 (as affirmed and clarified by that Court's later decisions in the cases of *Re St John the Baptist, Penshurst* (2015) 17 Ecc LJ 393 at paragraph 22 and *Re St Peter, Shipton Bellinger* [2016] Fam 193 at paragraph 39). These are:

- (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 not, have the petitioners shown a sufficiently good reason for change to overcome the ordinary presumption that in the absence of a good reason change should not be permitted?

(3) If there would be harm to the significance of the church as a building of special architectural or historic interest, how serious would that harm be?

(4) How clear and convincing is the justification for carrying out the proposals?

(5) In the light of the strong presumption against proposals which will adversely affect the special 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?

9. Applying the *Duffield* guidelines, the court is satisfied that the present proposals will cause only moderate harm to the setting, the appearance and the significance of the church building and that such harm is greatly outweighed by the benefits that the works will bring (as described above). The Nicholson altar is not mentioned in the listing particulars. It is a later addition to the church building. The Lady Chapel will be restored to its original appearance and purpose; and the Nicholson altar will be preserved intact and relocated to a more suitable setting where it will be properly valued and appreciated. The court is satisfied that the petitioners have made out a clear and convincing justification for the proposals.

10. For these reasons, the court will grant a faculty on the following conditions:

1. A photographic record and measured drawings are to be made of those parts of the church that are affected by the works before they begin and copies are to be deposited with the DAC and placed within the church log book.

2. Before commencing any works, the petitioners must notify the church's insurers and comply with any requirements or recommendations they may impose or make.

3. Detailed joinery drawings showing the adaptation of the panelling and making good of the rear of the altar frontal chest are to be agreed with the DAC architect through the DAC office once the altar has been removed but prior to work commencing on the panelling.

4. The electrical works are to be carried out in accordance with the DAC'S April 2018 Guidelines for Electrical Installations and Maintenance in Churches.

5. The Nicholson altar is to be re-located in its entirety, and as a single piece, to the Anglo-Catholic church of St. Thomas, Kensal Town, in the Diocese of London, and the angels and the riddel posts are not to be separated from the altar-piece. The altar is not to be removed from the church until the petitioners have deposited with the DAC the faculty from the London Consistory Court authorising the installation of the entire Nicholson altar into the Church of St Thomas.

Given the need to obtain faculty approval from the London Consistory Court, the court will allow 18 months for the completion of the works. The court waives its fee for this judgment.

The Worshipful Chancellor Hodge QC