

## **In the Consistory Court of the Diocese of Worcester**

### **Archdeaconry of Dudley: Feckenham, St John the Baptist:**

### **Faculty petition 07-38 relating to re-ordering of the west end**

## **Judgment**

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### **Introduction**

1. Feckenham is an attractive settlement with a long history. The Parish Church of St John the Baptist reflects that, in that it is an attractive building with considerable historical interest. Parts date back to the thirteenth century; in particular the nave arcade, the chancel arch, and some walling in the tower. There has been much alteration since then, particularly to the interior. There was until 1902 a gallery above the north aisle; and there have been various organs, the most recent of which was installed in 2002. The church is described in the Statement of Significance produced by the parish.
2. The church has been listed by the Secretary of State as a building of special architectural or historic interest, Grade II\*.
3. The church has a tower at the west end of the nave. In 1977, a ringing floor was added, to enable the ringers to operate without obstructing those preparing for the service. In 1988, this was supplemented by what became known as the Vicar's Room. The genesis of that project was set out in a booklet produced at the time of its dedication; in essence, it was paid for with compensation received for the loss of the previous Vicar's Room elsewhere, together with a generous donation from a local resident.
4. Fairly soon after this was constructed, it became apparent that the new arrangements were still inadequate, and that further works might be required. A Re-ordering Committee was set up in 1997, and Mr J Cotterill of Tweeds Project Services (now Online Architects Limited) were appointed as architects in 2001. Various options were explored and rejected – for example, partitioning off the north aisle, and building in the churchyard – and visits were made to other churches. Presentations were given of the emerging scheme to the church congregation and the village community in 2001 and 2005.
5. Finally, in 2007, a scheme was considered by the Diocesan Advisory Committee (DAC) that was recommended for approval. This accordingly formed the subject of a faculty petition submitted on 12 June 2007. The petitioners were initially the two

Churchwardens, but the then incumbent (Mr Fuller) had been fully involved in the evolution of the scheme, and had signed the resolution that went to the DAC.

6. The scheme was shown in three drawings produced by the architect: 2365/A/09 (existing plan); 2365/A/10 revision G (proposed plan); and 2365/A/20 revision D (proposed elevations). The scheme was described on the drawings and in the accompanying notes produced by the architect as “proposed access works”; and in the petition form as “re-ordering of the west end”. It seems to me that the latter term is the more appropriate.
7. Drawings were also produced of the cupboards proposed to house the sound and amplification equipment.
8. The petition was duly publicised, as required by the Faculty Jurisdiction Rules 2000; and three letters of objection were received. One was from Mrs A Fletcher, one from Mr P Richards, and the third was signed by Mr E Styler (PCC member, tower captain), Mrs J Styler (PCC member, church treasurer), Mr R Russ (ringing master), Mrs S Lawes, Mr R Dale and Mr T Haslam (ringers), and Mr M Lawes (disabled member of the congregation).
9. After a preliminary, unaccompanied inspection of the church, I decided that it would not be expedient to determine the matter on the basis of written representations alone, especially since Mr Fuller had by then left the parish and his successor had not yet been appointed. I also considered that it would not be appropriate to determine it without giving the new incumbent an opportunity to make representations in support of it (if he or she were not to be in support, the petition would presumably be withdrawn).
10. In the event, the present incumbent (Mr Green) took up his duties as priest-in-charge on 1 September 2008, and I held a hearing in the church on 8 October. The case for the petitioners was presented by Mr W Richards (a former churchwarden), who called as witnesses Mr Cotterill (the architect), Mr Warrilow (the Chairman of the Re-ordering Committee), Mr Crellin and Mr Calvert. The case for the objectors was presented by Mrs Fletcher and Mr P Richards; I also took into account the written representations of those who chose not to appear to give oral evidence.
11. The Archdeacon also appeared at the hearing, in support of the scheme; and I heard briefly from the newly appointed Priest-in-Charge, who has now been joined in as a petitioner.

### **The law**

12. There are many faculty petitions coming before this court every year relating to alterations to churches, one or two relating to major proposals, but many more relatively inconsequential. Very few of these are the subject of formal objections. However, where there is an objection, that has to be dealt with by me – usually on the basis of written representations, but occasionally (as in this case) following an oral hearing.

13. The principles on which such cases have been decided have recently been reviewed by this court, in *Re Great Malvern Priory*.<sup>1</sup> In that case, following an extensive review of the relevant law, I concluded as follows:

“56. First, there remains a duty on anyone promoting an alteration to any church, whether listed or not, to show the benefits, practical or aesthetic or both, that would result. Where there is a disagreement, the views of the regular worshippers are to be given particular weight. And alterations that are irreversible should be avoided where possible.

57. Secondly, there is a strong presumption against alterations which *adversely* affect the character of a listed church as a building of special architectural or historic interest. But there is no presumption against works to a listed church which – for example, because of their scale or their location – have no effect at all upon its character. Still less can there be a presumption against works which affect the special character of such a church beneficially – either by the removal of an existing feature which detracts from that character or by introducing a new one that enhances it. Further, in determining the effect of works, it will be appropriate to have regard to their effect not just on the building as a whole, but also on any features of special architectural or historic interest that it possesses, and on its setting.

58. Thirdly, where proposed works to a listed church are found to have an adverse effect on its character as a building of special architectural or historic interest, it will be necessary for petitioners to produce evidence of sufficient weight to show “necessity” for the change. That does not mean that it is necessary to show in some abstract sense that the works are necessary, but simply that the benefit resulting from them outweighs any architectural or aesthetic harm. However, where the effect of the works is either neutral or beneficial, there is no particular need to consider the necessity for them, since there is no adverse effect to be mitigated and thus no balancing exercise to be carried out. The only reason to do so is, as in the case of any faculty petition for proposed works, in order to save a parish from unwise expenditure or other impropriety.

59. Finally, it is sometimes argued that a proposal should not be allowed because there is a better way of achieving the same or similar result. However, a faculty is merely a permission; it does not require the works permitted to be carried out. The test is thus whether the works that are now proposed meet the tests outlined above (and any others that are applicable). It is therefore generally not relevant that there might be some other proposal that also meets those tests – either to achieve the same purpose or indeed to achieve some other purpose, said to be more important. It is always open to anyone to submit a subsequent faculty petition for a different proposal; and it would be perfectly possible for two alternative schemes, each beneficial in its own way, both to be authorised. However, it might be relevant to consider alternative proposals where it is being argued that a proposal that is harmful is nevertheless necessary – for example, it would be difficult to argue successfully that a proposal is necessary if objectors to it were able to point to an alternative means of achieving the same result that was less harmful (albeit possibly more expensive).”

14. I have also reviewed the principles governing the provision of access for disabled people, in *Re St John the Evangelist, Dudley Wood*.<sup>2</sup> In that case, I held as follows:

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<sup>1</sup> 2009, unreported.

“40. In particular, it is better wherever possible to arrange for all who use the building to be able to do so in the same way, rather than to provide an “alternative” for the disabled. This is the approach known as “inclusive design”. The *Code of Practice* rightly points out that:

“Although the Act does not place the different options for overcoming a physical feature in any form of hierarchy, it is recognised good practice for a service provider to consider first whether a physical feature which creates a barrier for disabled people can be removed or altered. This is because removing or altering the barriers is an ‘inclusive’ approach to adjustments. It makes the services available to everyone in the same way. In contrast, an alternative method of service offers disabled people a different form of service than is provided for non-disabled people.”<sup>3</sup>

41. It was precisely that consideration that prompted my concern in the present case; providing access for some (those who prefer to use steps) through the main, west door but for others (via a ramp) through the north door is not providing the same service in the same way.

42. It is thus clear that, as far as possible, the best way to comply with the requirements of the Act is for access to and within a church building and a church hall to be provided in the same way for all – old and young, physically or mentally disabled or otherwise. Everyone should receive, as far as possible, the same welcome from the same sidesmen and sideswomen at the start of the service, and the same greeting from the vicar at the end. There should be in principle the same communion from the same rail for all, and afterwards the same tea and coffee, from the same counter in the same building.

43. This is correct both legally, as a result of the 1995 Act and the *Code of Practice*, and theologically – we are all part of the one body.

44. Of course there will be circumstances where this approach is not possible – where, for example, there is a steeply sloping site; or where the special architectural or historic interest of a building imposes limitations on what can be done. In other cases, an inclusive approach may be possible – but only at an unreasonably high cost. But, in the absence of such a problem being identified, I consider that a disabled person would be able to claim that he or she was being discriminated against if the facilities offered by a church were offered to him or her on a different basis from that on which they were offered to others, and could bring an action accordingly in the county court.”

15. Those principles clearly apply to a case such as this; and it is against that background that I now turn to consider the case for each of the principal parties. .

### **The case for the petitioners**

16. The 1988 re-ordering had inserted a new screen wall, of dark stained timber, running across the west end of the nave from north to south, just to the west of the main (south) door, and running beneath the nave arcade. That had created a meeting room,

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<sup>2</sup> (2005) 8 Ecc LJ 493.

<sup>3</sup> *Disability Discrimination Act 1995: Code of Practice: Goods, Facilities and Services and Premises*, paragraphs 5.38, 5.39.

partly beneath the tower and partly protruding forward into the nave, furnished with shallow cupboards to either side. A steep staircase leads up from here to the ringing room above. Leading off the meeting room is a small vestry – customarily referred to as “the Vicar’s Room” – used as an office and also containing the safes. To the north, opening off the west end of the north aisle, is a flower room, through which access can be gained to a small WC. To the south, opening off the nave just by the main door, is another small space currently used as a chair store.

17. Access for disabled people into the church is currently by means of a portable, folding ramp.
18. Mr Fuller, the previous Vicar, in a statement dated January 2002, stated that the general intention of the parish was:
  - to provide shared, permanent, disabled access into the church;
  - to create a more open “welcome” space;
  - to maximise the use of space and existing facilities;
  - to look imaginatively and creatively at ways in which the church building might be used; and
  - to improve the existing kitchen / toilet facilities.
19. These were set out in slightly more detail in a Statement of Needs, produced in September 2008,<sup>4</sup> which identified the following items:
  - greater circulation space inside the main south entrance;
  - provision of toilet facilities to Disability Discrimination Acts (DDA) standards;
  - provision of an entrance to DDA standards;
  - provision of a kitchen and servery; and
  - provision of dedicated storage spaces.
20. By way of justification of those needs, that statement noted that the last re-ordering scheme had been completed in 1988, but that the church had moved on. The original aspirations had been for a meeting room, office and basic WC; but now the emphasis was on having facilities that would meet with both legislative requirements (principally under the DDA) and the standards of comfort expected in public buildings generally.
21. Mr Cotterill is an experienced church architect, having been involved with a number of re-ordering schemes both in this Diocese and elsewhere. He has also been appointed as architect under the Inspection of Churches Measure in relation to a number of churches.
22. He explained that he understood that the 1988 re-ordering had been successful in terms of the requirements it was designed to meet. However, the new scheme would

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<sup>4</sup> The version produced at the hearing was dated September 2008, but I suspect it was based on an earlier document.

improve significantly the appearance of the west end of the church, remove the darkening effect created by the existing screen, and restore a full view of the west arch. The materials used would complement and enhance the existing building. The general design now had the approval of English Heritage, the Society for the Protection of Ancient Buildings (SPAB), and the Diocesan Advisory Committee (DAC).

23. Mr Cotterill had examined possible ways in which to provide step-free access to the church for those in wheelchairs. In particular, he had considered the use of the north door, where there was no step. However, that would require significant landscape works to create a path through the churchyard from near the main entrance to the north door, and to avoid drainage problems, and would be more expensive than the solution now proposed. It would also involve those in wheelchairs using a different door from everyone else.
24. Mr Warrilow explained that the parish had also considered other options. A ramp from the south door had been ruled out because it would extend too far into the nave. Lowering the porch floor to the level of the nave would cause drainage problems. And raising the west end of the nave to the level of the south door would still require steps (and presumably a ramp) at some other point.
25. Mr Cotterill detailed what was proposed. A new vestry would be created under the tower, with improved storage facilities. The 1988 screen would be removed, and the west end of the nave opened up for meeting and general 'fellowship' space; the existing screen separating the ringing room from the nave would be brought down to the ground. This would be served by a new kitchenette – essentially a range of kitchen units that could be closed off behind a sliding/folding screen when not in use. To the north, in place of the existing flower room and WC, would be an improved WC, accessible by those in wheelchairs, a chair store and a flower room. The new chair store would be closer to the north aisle, where the chairs were principally used; and the new flower room would be separate from the kitchen.
26. Mr Warrilow said that the meeting room as proposed would hold 16-18 persons. Meetings of the PCC were attended by round 12 people; and the Annual General Meeting by around 21. The choir would continue to use that room to robe, gathering at the west end of the nave once robed. The Sunday School would use the meeting room once a month. If a second room were required, it would be possible to use the upstairs room. The loss of an office would not be as drastic as it might seem, as those counting the money preferred to do so elsewhere, away from those gaining access to cupboards to put away robes etc.
27. Mr Crellin explained why he supported the scheme, as the parent of a disabled child who came in a wheelchair on most Sundays. He considered that the creation of dedicated level access, and the provision of appropriate WC facilities, should be applauded, not considered as an extravagance. There was one wheelchair user (an adult), a few using sticks or needing support, one blind person (his daughter), and one or two using a hearing loop system. He did not have a strong preference as between a lift and a ramp, although would tend to use a lift for his daughter for choice; he noted that there were more and more lifts in use generally.

28. Mr Calvert too considered that, from his perspective as an older registered disabled person, the proposals should be supported. He noted that the introduction of the new organ, although only permitted following a consistory court hearing, had since proved entirely uncontroversial, and had been a welcome step forward. He considered that it was necessary to change the dark and depressing entrance and lobby area, with its brown varnished doors that are difficult to operate and noisy; the inadequate facilities for disabled and elderly people; and the gloomy, badly-lit meeting room.
29. He stated that the choir had an average membership of 15, and a maximum of 23 – with 30 at Christmas. He considered that the Choir would be satisfied with the space. As for the access at the main door, he would prefer a ramp, as he did not like lifts.
30. Mr W Richards noted that the best features of the 1977 and 1988 schemes would be retained (the ringing room, the cupboards, the water supply and drainage); some features would be improved (the toilet, the servery, the facility for meetings); some would be removed (the lobby area, the sliding screens, and the folding doors). The previous Vicar was very willing to forego the office, for the overall benefits of the scheme. If there was insufficient space in the chair store, any surplus chairs would probably end up being stored in the north aisle.
31. There were sufficient funds in hand to enable the works to be carried out, notwithstanding the expenditure earlier in the year on the churchyard wall. The church was relatively capital rich, but income poor; the giving programme in 2009 would have to be income-oriented.
32. Mr Warrilow said in oral evidence that the church was getting left behind other facilities in the village. The school, for example, was being upgraded. He also noted that the doors between the new vestry and the church would open into the church, and not as shown on the drawing. On a point of detail, he considered following an experiment that it would be possible to store 60 chairs in the new store.
33. In answer to questions from me, Mr Cotterill explained that the doors from the existing screen would be used, but with a new sliding mechanism. He considered that the alternative scheme proposed by the objectors would work, but would lose welcoming space. As for access for those in wheelchairs, he had looked at a 50/50 scheme, with a drop down one step within or adjacent to the porch and a ramp inside the church for one step; but that would involve alteration to the door, and might create drainage problems. He had not costed such a scheme.
34. I inspected carefully the church as it is currently arranged, and in particular considered how all of the various items currently located at the west end would be fitted in if the proposed scheme were to be implemented.
35. The Archdeacon supported the scheme. He noted that there had been a number of schemes; and he had sought to support the PCC and the DAC in arriving at a scheme that most met the needs of the church and was aesthetically appropriate. In particular, it was necessary to optimise the circulation pattern, improve the toilet facilities, maximise accessibility for disabled people, and improve the kitchen and storage accommodation. He had shared in the DAC decision to recommend the present proposal.

36. He had heard the sincerely held, thoughtful presentations of those who opposed this scheme. But his underlying motive was a passionate concern for worship and mission; that was also the priority of the new Bishop. And he was keen to ensure that a successful pastoral outcome would be achieved, as that would make the worship and mission authentic.
37. Finally, Mr Green emphasised that he had only just been appointed as priest-in-charge; it had accordingly been difficult to take on board all the complexities of the position. However, he had been impressed by the high level of the debate, and the sincerity of the exchanges. His concern too was for mission and outreach; and he recognised that there is no 100% perfect solution; he would need to be in post for some while before being entirely convinced of any scheme. He would therefore be willing to accept the decision of the court, whichever way it went; and he was sure that it would be possible to move forward together.
38. In more detail, he was concerned about the entrance to the church, and was glad to see space for meeting and greeting. He was committed to ensure access for disabled people. He was also anxious about the clutter. But he was concerned that the overall impact of the scheme should not be lost in the detail.

#### **The case for the objectors**

39. Mrs Fletcher appeared at the hearing on her own account and on behalf of the bellringers. She pointed out the benefits of the existing arrangement, which had only been in existence for twenty years; and she noted in particular the security afforded to items and activities in the Vicar's room, and the advantage of being able to open up the meeting room so as to become part of the nave, with extra seating brought in as necessary. She felt that it would be unfortunate to demolish this after such a short time. She also drew attention to the constant spate of changes and building projects.
40. The re-ordering would lead to the choir, clergy, vergers and treasurer all sharing one very much smaller area beneath the tower. That area would not be large enough to accommodate the drop-in, the fortnightly coffee and chat session, which would therefore have to be held in the main church. When it was put to her that the PCC envisaged it being held in the rear of the nave, she pointed out that that would mean that the main church would have to be heated, which would be problematic – although she accepted that the PCC was now reviewing the heating. The decreased security would mean that it might be impossible to maintain the present, welcome policy of keeping the church open daily in daylight hours; although she accepted that the involvement of the Police would satisfy her concerns on that score. The new room would be smaller than the present one, since the cupboards would be enlarged (even though the choir, in particular, would welcome the better storage facilities). And the location of the new kitchenette would mean that in future the area at the back of the nave would become very congested, and the north aisle under used.
41. She also passed on the concerns of the Sunday School leaders. There can be up to eight children on a normal Sunday, aged 3-9, and occasionally up to fourteen when there are visitors. There are problems at present, but in the future they will have to



meet in a smaller room. She raised the issue of storage for chairs, which would be significantly diminished; and there would be less space for items such as the photocopier, and other furniture. She was concerned as to the location and design of the new altar frontal cabinet. And the ringers were concerned that the new vestry was far too small. Access for them was difficult at present, but would become quite impossible.

42. In answer to questions, she accepted that space had been found for all the items currently in the vicar's room; but not for all of the items currently in the vestry.
43. Mrs Fletcher also expressed her sadness that there had been so little discussion between the parties, and that people outside the church community had not been properly consulted. But she accepted that there had been presentations in 2001, to members of the church, and in April 2005 (at which 80 people were present, including her), with a follow-up in August 2005. The plans had been on display in the North Aisle in 2007; but there had been nothing in the Feckenham news. And each year the plans had been the subject of comment at the AGM, reported in the church magazine.
44. She stated that, although the proposed re-ordering could be afforded, it would use up most of remaining reserves. She accepted that £20,000 was a reasonable contingency; and that it would not be possible for the church to ask people to give if there were large sums in the bank – although she noted that it would not have covered the works to the churchyard wall.
45. Mr Paul Richards expressed anxiety over the detailed design of the proposed lift for disabled people, and questioned whether it was needed in view of the alternative access available via the north door – he showed photographs of what had been achieved at Manorbier in Wales. He accepted that the existing Vicar's room is not the most beautiful of structures, but said that that should not be a reason for wasting money on extravagant new plans. He also felt that it was important to have a private room in which to count the offertory. He considered that all parties could be accommodated by adapting the existing arrangement, but leaving the existing Vicar's room.
46. Mr and Mrs Styler, Mr Russ, Mr and Mrs Lawes, Mr Dale and Mr Haslam comprehensively set out their concerns in a letter in 2007. They noted that the church seemed to have gone through periods of re-ordering all too frequently in the past, but often with unhappy results. They too drew attention to the many benefits arising from the provision of the present arrangements in 1988 – in particular, the security afforded to the safes and other items in the Vicar's room. The new scheme, by contrast, would see the diminution in size of the meeting room / vestry, the loss of the Vicar's room, and the scattering round the church of the contents of both rooms. Security will be poor.
47. They acknowledged that improvements must be made in the facilities for disabled people, and the flower room and refreshment preparation space; but the kitchenette proposed would be nothing more than a glorified cupboard. They drew attention to an alternative scheme put forward in 2001 – illustrated by means of a sketch plan –

that would provide all the necessary improvements, but leaving the existing structure more or less intact. It might also be possible to use the roof of that structure.

48. Mr Russ also made a brief statement at the hearing, in which he drew attention to the possibility of a compromise, cutting back the existing arrangement a bit, but not as much as in the scheme proposed.
49. Mr Haslam in a subsequent letter pointed out that the DDA only required reasonable adjustments to be made; and suggested that a path to the north door would meet this requirement. As for the meeting room, he accepted that the new facility might be more aesthetically pleasing; but that is not a reason to destroy such a practical complex after only 20 years, in order to create a smaller, more cramped room.

## Assessment

### *The benefits resulting from the proposals*

50. Having regard to the principles established in *Malvern*, the first issue to be considered is whether the proposed reordering results in benefits – either practical or aesthetic, or of course both.
51. In considering this issue, I am mindful of the principles set out by Mr Fuller, in his statement of January 2002, as those that he thought were involved in a case such as this. It is perhaps worth setting them out in full, as they provide useful guidance. The first five related to the substance of re-ordering scheme, as follows:
  - A church building, like the Christian family who use it, needs to evolve. We need to be constantly aware of the changing needs of the community we serve, and never to assume that we are called to preserve the status quo.
  - The use of a church extends beyond Sunday worship; and we need to be as imaginative and creative as possible.
  - A church is to be a place of welcome; the visual and practical impact of the entrance area is enormously important.
  - Whatever we do, in terms of altering and improving the building, must be done to the very highest standard. This is a sacred space, and the way we treat it speaks of our relationship with God.
  - While cost should not be our first consideration (so that, for example, the word “cheap” must never be used in connection with the worship of almighty God), we must be good stewards of our resources.
52. But his last two points were just as important, relating to the way in which a congregation should approach the decision making. He thus observed that no one person has “the mind of God” in this matter; and decisions ought not to be taken on the grounds of personal preference or the preferences of particular groups. Secondly, whatever conclusions are reached, they will be costly; no scheme will be to everyone’s satisfaction, and there will be disagreement and dissent. However, it is essential that this is a journey which the church family make *together*. The process involved in

coming to a decision – how members listen to each other, how they speak to each other, and the amount of time given to prayer and reflection – is almost as important as the decision itself. Ultimately, members of the church must live with each other, as well as with the results of their decisions.

53. The stated need for the proposed reordering contains three principal elements:
- the improvement of the area at the back of the church, available for welcoming and fellowship;
  - the provision of access and facilities for disabled people; and
  - the improvement of the practical facilities (catering, WC, flower preparation, storage and so on).

I consider each of these elements in turn, before looking at the aesthetic consequences of the scheme.

54. Before doing so, I should note that much of the concern expressed by those opposing this petition arises from the fact that the existing west end arrangement is only 21 years old. That does not of itself seem to me to argue either in favour of or against the proposed scheme. If the existing position is unsatisfactory, and can be improved, it does not seem to matter whether it is two or 200 years old. The question is whether the improvement (be it modest or substantial) justifies the cost – and that must be a matter of judgement, primarily for the incumbent and the PCC as the trustees of the parish finances.<sup>5</sup>
55. Further, it is probably not uncommon for a reordering scheme to solve one set of problems but create another, leading to a need for fine tuning; but that will only become apparent with the passage of time. And as Mr Green wisely observed, no scheme will be perfect.

#### *Area for welcoming and fellowship*

56. As for the area for welcoming and fellowship, that would clearly be greatly enlarged and enhanced. It would also be well served by the proposed kitchenette. It is true that the area in the north aisle would remain somewhat under-used for that purpose; but it is out of the general circulation route. I have no doubt that the new area would be well used, and popular in practice.
57. However, the outer walls of the church are of course fixed; and so if one area is enlarged, another must be correspondingly diminished. In this case, the existing meeting room is reduced significantly in size, so that it would only be used for very small gatherings. Indeed, I rather suspect that for most purposes the new area at the rear of the nave would be a more attractive location for most meetings – PCCs, and so on – as well as the fortnightly drop-in. The new space under the tower would thus be used only as a vestry and store. As against that, the existing meeting room is not a particularly attractive space, and the new entrance area would probably be preferable;

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<sup>5</sup> Parochial Church Councils (Powers) Measure 1956, s 7(iv); Canon F10.

it is also a better shape (being wider than the existing meeting room). As pointed out by Mrs Fletcher, that will result in increased heating bills, but that may have to be the subject of separate consideration. And it may be that the new, smaller meeting room will actually be used more than expected, as it will be lighter than the existing space.

58. A further problem is that the children's work would be compromised by having only a smaller room – and could not be carried out at the back of the nave while a service was in progress. I suspect that the solution in practice would be to split the Sunday school in two, with one class held in the ringing room, and the other below. Both would then have visual contact with the main congregation. But until that change was successfully implemented, the space would be significantly smaller.
59. Although one of the objections came from the bellringers, I am not convinced that they would be greatly affected by the changes, as they would still use the upper room. They would still be able to gain access up and down the existing staircase. And there would still be sufficient space for the choir to robe, with improved storage – even though at festivals they might have to gather in the main church.

#### *Access for disabled people*

60. In relation to access for disabled people into the church, I accept that the present arrangement (using a temporary ramp) is unsatisfactory. But I also entirely agree with the petitioners, and with English Heritage, that the use of the north door would not be appropriate either. First, it would require a long path through the churchyard to reach it, which would be as expensive as the proposed lift. Secondly, it would mean that disabled people had to use a different entrance from everyone else; and I pointed out in *Re St John, Dudley Wood* that this in principle undesirable. Thirdly, it would not work – for the simple reason that no-one in practice would use it. It is easier to use the main south door, even with the need to bump a wheelchair down two steps, than to push it all the way round to the north door.
61. However, I remain unconvinced by the lift proposed. Mechanical devices are notoriously prone to fail if not in constant use and regularly maintained. This one may in practice become a little-used white elephant. I am aware that a ramp of appropriate gradient (1:20) would project into the church too far if it replaced both steps, but it might be possible for a ramp equivalent to one step to be contained within the porch, and a further ramp inside the church, alongside the rear pew on the south side. Or it might be possible to lower the floor of the porch to the level of the nave floor, and adjust the levels within the churchyard. Or there may be some variant of those ideas. It would also be necessary to consider whether or to what extent it would be possible to alter the door.
62. In any event, this aspect of the scheme – which is clearly capable of being implemented separately from the remainder – should be looked at again, in conjunction with the DAC, to see if there is not some other way of obtaining step-free access through the main south door.

63. However, I am satisfied that it is highly desirable to have a WC that is accessible by those in wheelchairs, and the proposed facility seems perfectly satisfactory.

#### *Other facilities*

64. As for the other items, the proposed scheme does provide some improvements – although here too not without some disadvantages. The separating out of the catering and the flower arranging areas seems sensible, and does provide an overall increase in space. And the storage within the new vestry – for choir robes, safes and other items – will be improved. But space for the storage of chairs is significantly reduced; and the Vicar's office is lost altogether. I note that the previous incumbent was content to lose that space for the overall benefit of the church; his successor has not yet had time to form a view.

#### *Aesthetic factors*

65. Finally, I consider that the new scheme would generally be a significant improvement in terms of the overall appearance of the interior of the church. The present structure is somewhat gloomy, seen either from within the existing meeting room or from the main body of the church; and I note that even those seeking its retention conceded that aesthetic merit was perhaps not its strongest point. The proposed arrangements would undoubtedly give the building a more contemporary feel; and would help to improve its overall appearance.
66. Here too, the only exception to this is the wheelchair lift at the entrance, which would have a somewhat utilitarian feel to it.

#### *Alternative scheme*

67. I was initially attracted by the alternative scheme put forward by some of the objectors. However, on closer examination that too is not without its problems. The new servery and the lobby to the WC would involve coming forward of the line of the existing north-south screen; and that would lose the design logic of the present structure, as well as making the space at the rear of the nave even more cramped. It would retain the vicar's office, but diminish it in size, making it an unpleasant space in which to work. It would not solve the problem of the rather gloomy feel to the existing main room under the tower; nor that of achieving satisfactory wheelchair access at the main south doorway.
68. I am conscious that this was only an informal sketch, and should not be judged on the same basis as a fully drawn-up scheme. However, it is in enough detail to enable the conclusion to be drawn that there is no perfect scheme. There was one telling exchange when one of the objectors was asked where the kitchen would go in a further alternative scheme; and he answered that it could be squeezed in somehow.

That is the problem – the existing arrangement is the result of just such squeezing; and any alternative will be too.

69. I certainly have no confidence that, if the presently proposed scheme were not to proceed, it would be easy to find an alternative scheme that would yield more benefits and fewer disadvantages than the one now on offer.

### *Conclusion*

70. My conclusion is therefore that the scheme now proposed will solve some problems and create others. But I am aware that it is the result of considerable thought and reflection, and a number of alternative solutions have been considered. And this scheme is the preference of the substantial majority of the regular worshipping congregation. In addition, it is reversible. I note too that the Archdeacon is in favour of it, as is the DAC as a whole. And I am particularly influenced by the significant improvement in appearance that I think will result.
71. I therefore consider that, on balance, the petitioners have discharged the burden on them to show the benefits, both practical and aesthetic, that will result from the implementation of the proposed scheme.
72. As for the second point in *Malvern*, namely the presumption against alterations that adversely affect the character of a listed church as a building of special architectural or historic interest, I have already found that – with the exception of the wheelchair lift – this scheme would lead to a significant improvement in its appearance. There is accordingly no need for any balancing exercise to be carried out.

### **Decision**

73. I accordingly grant a faculty for the proposed works, other than the platform and wheelchair lift inside the south door, subject to the following conditions:
- (1) that no works be carried out until a detailed specification has been approved in writing by the court, following consultation with the DAC, such specification to include details of the cupboard for the sound equipment; and that the works are carried out in accordance with the specification thus improved; and
  - (2) that an opportunity is afforded to the DAC archaeology advisor, or to any other person approved in writing by the court, to observe the works and record items of interest and finds.

**Charles Mynors**

Chancellor

2 March 2009