

IN THE CONSISTORY COURT OF THE DIOCESE OF YORK

IN THE MATTER OF THE PARISH OF FILEY

THE CHURCH OF ST JOHN THE EVANGELIST

JUDGEMENT

The Petition

1. By a petition lodged in the Registry on the 13th December 2011, the Reverend Mary Williams, the Vicar, and Susuan Megginson and Alice Wilson, Churchwardens, petition for a faculty

1. to remove and dispose of the existing pews from the nave,
2. to replace areas of stone floor with wooden flooring,
3. to carpet the interior of the nave and chancel,
4. to plaster the existing exposed brick interior west wall,
5. to re-decorate the interior to a new scheme,
6. to construct a new internal entrance lobby,
7. to repair the font and remove it to a new position near the entrance lobby in the south east corner, and
8. to introduce a new sound reinforcement system

all as per the drawings numbered 2233/01 to 2233/05 inclusive by Ferrey & Mennim (the inspecting architect for the church is Andrew Pert), the report and specification by Messrs Keystone Sound Systems dated 27.1.10, other associated drawings and the samples of carpet and underfelt supplied.

Proceedings

2. The matter was considered by the DAC which on 14th December 2010 granted its Certificate recommending the works subject to a proviso that all cable routes, colours and fixings for the sound system must be agreed with the Inspecting Architect
3. On 7th January 2011 I issued Directions stating that I was satisfied that the Petitioners had made out the case for their proposal and I therefore directed that subject to the relevant display of Public Notice and no objection being received, a Faculty shall pass the seal until further order.
4. Public Notice was duly given.
5. On 4th February 2011 Mrs E Willis wrote to the Registrar stating that

“I would like to register my objection to the plan to plaster the brick wall at the back of the church. What is the reasoning behind that idea? I feel that the wall is a unique feature of the church and that it looks fine as it is. I consider it to be a waste of funds to pay for the plastering of such a large area when it is not necessary. The money could be put towards a more deserving part of the refurbishment.

6. As a consequence of her objection the Registrar informed her of her options under the Rules either to complete Form No 4 and become a party to contested proceedings or to allow her letter to stand as her objection which would be considered by me when reaching a decision after the Petitioners had had chance to comment on it.
7. She did not reply to that letter and so I am duty bound to take her letter into account in coming to a final decision.
8. In response to her letter the Petitioners have commented that the wall was erected in the 1960's and is ugly stark brickwork which is out of sympathy with the architecture of the church and its fixtures, fittings and furniture. They observe that the oppressive nature of the wall draws the eye away from the central focus of the chancel and the sanctuary and makes the church appear darker than is necessary. They explain that the decision to plaster and thus lighten the wall was made after much thought and deliberation, was endorsed by the PCC and that the large majority of the congregation is in agreement. As for the cost, they assure me that they have enough money to complete all the work and that the money spent on the wall will not in any way compromise the quality of the rest of the church.

Consideration of the issues

9. I note that when the DAC first considered this matter in May 2010 the minute of their discussion records that “The church interior had been extensively subdivided and re-ordered in the recent past, and although the chancel remained a dignified and coherent space, the floor of the former crossing and transepts (which now formed the nave) was a patchwork of stone and timber, the sheer ‘west’ wall was bare modern brick, and the nave furnishings were something of a jumble.” They have of course recommended the proposals.
10. I remain satisfied that the petitioners have made out their case for the replastering of this wall.
11. I find that there is no substance in the objections raised by Mrs Willis in her letter of the 4th February.

An aside

12. It is a shame that the raising of the objection has caused delay in the issue of the faculty and consequently in the implementation of the scheme. It may be

that the building costs will have increased, and it will be an inevitable outcome that the petitioners will have to pay the costs of the petition as it is now classed as an opposed petition and the costs of such have to be paid for by the parish rather than the DBF.

13. It may be appropriate that Incumbents and PCCs when explaining re-ordering plans to their congregations should explain the process including the fact that any objections raised in response to the Public Notice will inevitably cause significant delay, may add to the building costs of the project and will almost certainly mean that the parish will have to pay additional registry costs.

Directions

14. I therefore direct that a faculty shall pass the seal until further order.
15. It will be a condition of the faculty that that all cable routes, colours and fixings for the sound system must be agreed with the Inspecting Architect.
16. The Petitioners shall pay the costs of the additional work created by the petition becoming opposed, which sum I shall certify upon being provided with details by the Registrar.
17. I will allow 6 months for the completion of the works.

Canon Peter Collier QC
Diocesan Chancellor

8th May 2011