

**IN THE CONSISTORY COURT OF THE DIOCESE OF PORTSMOUTH**

**In re Christ Church, Gosport**

**JUDGMENT**

**The church**

1. The church of Christ Church, Gosport dates primarily from the Victorian era. The church was designed by Henry Woodyer (1816-1896) and built in two phases: the nave and south aisle in 1862-65 and the north aisle, completing the building, in 1882-83. The church was extended to the east and north in the mid-1920s by the addition of vestries, sacristy, porch and organ loft to a design by Sir Charles Nicholson (1867-1949). Later alterations to the chancel and sanctuary and the installation of the north aisle screen were undertaken between the 1930s to the 1950s

2. In January 2020 a Scheme for Pastoral Reorganisation was made and Strategic Development Funding has been secured for renovation works which are intended to encourage growth in weekly attendance and mission. As part of the scheme, a new worshipping community is to be planted at Christ Church to run alongside the existing services.

3. The church is unlisted but is set within the Stoke Road Conservation Area in Gosport.

4. The Victorian Society, in its letter in response to consultation, sets out its assessment of the church's main features in the following terms:

*“Christ Church is a fine example of Henry Woodyer’s architecture and his idiosyncratic and exaggerated style. It comes as a surprise to the Society that the church remains unlisted. Some features which set it apart are the unusual clerestory of small, closely spaced windows and the transept at the west end, which cleverly incorporates a belfry. It is also of consequence that Woodyer worked on this church over the course of twenty years and therefore demonstrates his development as an architect. Internally the church has fine proportions and features, for example the contrasting shafts supporting the window openings. The church also benefits greatly from Nicholson’s later additions and fittings, though these fall outside the Society’s scope.....The Society appreciates that for Christ Church to develop into the future changes must be made. However, these should respect the building’s architectural and historical qualities, qualities which are all the more at risk due to its unlisted status.”*

5. The statement of significance filed in support of the petition is more muted in its assessment. The fabric of the building is not thought to be of particular significance and the pews are considered to be of low significance. There is some notable stained glass, including two windows by Mayer of Munich from 1891, one of which commemorates an influential parish mission in the previous year.

6. The more detailed description offered by the Victorian Society, and the photographs provided by the parish, highlight the main architectural features, which are plainly of interest. However, it remains the case that the building has not so far been considered to be of sufficient architectural or historic interest to be listed. In any event, while the proposed works must be considered in the context of the church as a whole, none of them affects the fabric of the church or its architectural or historic features.

### **The proposed works**

7. The Team Rector and Churchwardens, on behalf of the PCC, seek a faculty permitting a range of works designed to provide a more flexible and welcoming space for worship and community use. In summary the proposed works for which approval is now sought are:

- (i) Installation of new heating system
- (ii) Fitting of carpet tiles throughout the nave
- (iii) Lighting upgrade and replacements
- (iv) External lighting
- (v) Repurposing and removal of pews and the introduction of chairs in their place
- (vi) Electrical upgrade
- (vii) Production and audio-visual installation: speakers, lighting and screen
- (viii) Re-decoration of the nave
- (ix) The creation of a welcome desk/servery at the West end of the church, using repurposed pews.

8. Full details of the proposed works, and the justification for them, are set out in the parish's Proposal for the Renovation and Renewal of Christ Church, dated November 2020.

9. The parish has summarised the need for these works as follows;

*"The church will need to become a more flexible space that is able to host contemporary and traditional worship. The intent is to direct the focus of future mission on engaging with people in Gosport who do not yet go to church. To make church a place where everyone can feel at home, the church must be comfortable, warm and welcoming and have the necessary infrastructure to host large groups of people for services and events."*

10. This project represents a major transformation in the mission and ministry of the church and the parish wishes to ensure that the building is fit for purpose and ready to encourage growth and future ministries to flourish. The parish is confident that the proposed works will not adversely affect the overall significance of the building, or its architectural and other aesthetic features, and that the works are necessary to make sure the building is preserved and used to benefit the community and as a place of worship and mission.

11. The petition has the support of the PCC and, subject to one qualification, the Diocesan Advisory Committee ('DAC') recommends the works for approval. The Victorian Society has been consulted and, while acknowledging the justification for changes to the ordering of the interior, has expressed concerns about some particular aspects, including the proposed

flooring and replacement chairs. The Society has not sought to become a party opponent, but I take full account of its carefully expressed representations. The Twentieth-Century Society, whose remit includes the Nicholson fittings, has been informed of the proposals, but has made no comment on them and has not sought to become a party opponent. No other comments or objections have been received.

### **The court's approach**

12. As the church is not a listed building, the court is not required to adopt the same structured approach which applies to alterations affecting listed buildings ('the *Duffield* framework'). Instead the petitioners must satisfy the Court, on the balance of probabilities, that a faculty should issue for the particular works proposed. The court must take into account all the relevant factors, including the purpose and effect of the proposed works, any representations by amenity societies and the advice of the DAC. The proposed works must be seen in the context of the church as a whole and the court must have due regard to the role of the church as a local centre of worship and mission: *Ecclesiastical Jurisdiction and Care of Churches Measure 2018, s 35*.

### **Overall assessment**

13. The Pastoral Reorganisation Scheme and development funding have provided the impetus for the church to grow its worshipping community and its wider ministry. The Proposal for the Renovation and Renewal sets out a full account of the purpose of the proposed changes and their likely impact on the ability of the church to fulfil its role as a centre of worship and mission. It seeks to provide flexible spaces for worship and community use, a warm and welcoming environment and improved amenities for those using the church. The Victorian Society does not oppose the scheme as a whole, but is concerned that the changes should be sensitive to the architectural and historical qualities of the church.

14. It is clear to me from the evidence that the renovation of the interior of the church is an essential part of its renewal and development as a centre of worship and mission for the local community. The scheme as a whole has been carefully designed to meet the current and likely future needs of the church. In my judgment, the interior, as currently ordered, is not well-suited to meeting those needs and is likely to restrict the ability of the church to achieve its aims. The removal of the pews and re-flooring in the nave will alter the appearance of the church interior, but I am satisfied that the proposed works will not detract from the architectural and historic qualities of the church.

15. I have carefully considered the matters raised by the Victorian Society and the DAC and there are some aspects of the proposals which require particular consideration. However, taking the scheme as a whole, I consider that the petitioners have established a compelling case for the changes proposed and I am satisfied that, subject to the qualifications set out below, permission should be given for the works to proceed.

## Particular issues

### *(1) The heating system*

16. The DAC has raised some concerns about the proposal for a new heating system and in its notification of advice recommended that the specification be reviewed with the inspecting architect in the light of the Church of England's policy on achieving carbon neutrality. The parish has now indicated that it intends to reflect on the current proposal and that work on the heating system will be put on hold while it considers the implications of carbon neutrality. Any consideration of a replacement heating system must have regard to the Church of England's policy and the wider commitment to securing carbon neutrality and I welcome the decision of the parish to review the present proposal in that light. The approach to the issues arising in this context has recently been considered in *Re St Mary, Oxted* [2021] ECC SWK 1.

17. I have considered whether it would be appropriate to issue an interim faculty, pending revised proposals, but I am satisfied that the matter can be managed appropriately with a condition that any revised scheme be submitted to the DAC and the Chancellor for approval before work commences.

18. Two subsidiary matters arise:

- (i) The radiators in the centre nave will be exposed by the removal of the pews and the parish wishes to remove them; their retention would impede work on other aspects of the scheme and I am satisfied that they should be removed in the process of moving the pews;
- (ii) The parish wishes to install a warm air curtain over the south door; the DAC recommends that this should be done under a temporary re-ordering licence, rather than by faculty, and I agree that that is the appropriate course; a condition will be attached to that effect.

### *(2) Victorian Society concerns*

19. The Victorian Society recognises the need for changes to be made to the interior space and amenities, but is concerned that any changes should be sensitive to the building's architectural and historical qualities. The Society has raised concerns about three particular aspects of the scheme for reorganisation: the flooring proposal, the design and material of replacement chairs for the nave and the siting of audio-visual equipment.

#### *(i) Flooring*

20. The Society points to the Church of England's guidance on the suitability of carpet for the nave flooring and suggests that the parish should investigate the possibility of removing the existing linoleum floor and exposing the original clay tiles.

21. However, the DAC is concerned that removal of the linoleum may damage the clay tiles and has suggested that laying carpet tiles on top of the existing flooring provides a more suitable alternative. In addition, the Inspecting Architect has noted that the age of the vinyl

means that it may contain asbestos and the DAC considers that this militates against lifting the linoleum.

22. I am satisfied that the options for renewal or replacement of the flooring have been fully considered and that the use of carpet tiles represents the most appropriate and least intrusive solution. I accept that this will create a different appearance for the nave than restoration of the original tiling, but I do not consider that it would cause harm to the character and architectural qualities of the church interior. The proposed flooring would be a significant improvement on the existing linoleum. Although exposing the tiled floor may be seen as restoring one of the original features of the church, the task of removing the linoleum and exposing the tiles would create a real risk of damage to the tiles and a potential safety hazard from the exposure of asbestos. The safety risk would arise even if the linoleum were lifted only for the purpose of investigation.

23. Due weight must be given to the Church of England's guidance, which recognises the value and importance of historic flooring, and the need to ensure appropriate treatment, and is founded on wide experience of different flooring materials. While in general carpeted flooring may not be appropriate in a historic setting, there will be cases where it offers the most suitable solution (for a recent example see *In re St John the Baptist, Bentham* [2021] ECC Lee 1).

24. In the present case, I am satisfied the introduction of carpet tiles is likely to enhance the sense of welcome and warmth which the parish seeks to provide and that the risks involved in lifting the linoleum and exposing the tiles outweigh any adverse impact on the overall appearance of the church. The tiles will be preserved beneath the linoleum and the opportunity to investigate restoration would remain, if the church's circumstances and financial resources ever make that appropriate.

(ii) The pews and replacement chairs

25. The pews are not original to the church but were introduced in the 1920s. They were repaired in 1977, but there is nothing to indicate that they are of any particular historic significance. The parish proposes to retain some pews for the north and south aisles and to re-purpose others, as far as practicable, for use in creating a new welcome and serving area.

26. The parish proposes to replace the nave pews with lightweight stackable chairs, with upholstered seats and back on a tubular steel frame.

27. In the light of the age of the pew benches, the Society does not express a view on their removal, but it supports the proposal to retain some benches in the north aisle. As noted above the pews would strictly fall within the remit of the Twentieth-Century Society, which has been informed of the proposals but, which has not made any comment on the proposed removal or reuse of the pews.

28. The parish development plan identifies a clear need for flexibility of space and I am satisfied that the proposed removal, repositioning and reuse of the pews is necessary to accommodate different styles of worship and support the growth and ministry of the church.

29. The Victorian Society does, however, raise concerns about the design of the replacement chairs. The Society draws attention to the Church of England's guidance to the effect that new seating in historic churches should be timber and unupholstered and recommends that other designs of chair are explored, to be more suitable to the quality of the building.

30. I have considered carefully the need for replacement seating to be of a suitable design, but that must be seen in the context of the expected use of the nave space and need for flexibility. It is anticipated that different styles of worship and other community use would require the nave chairs to be moved regularly and they should be capable of being moved and stored easily and unobtrusively. The parish considers that the steel upholstered chairs would be most likely to achieve that object. The nave seating needs to be harmonious with the overall character of the building, but having seen the design and material proposed, I am satisfied that they would be aesthetically neutral and will not detract from the overall character and appearance of the building. Similar chairs have been used to good effect in other churches in the diocese and the DAC considers that the chairs are appropriate here. In my judgment the proposed design offers the most suitable and practical solution to meeting the needs of the church in its reorganised form and I am satisfied that approval should be given.

#### (iii) Audio-visual equipment

31. The Society accepts that the provision of new audio-visual equipment is justified, but is concerned that the screen should retract behind the chancel arch, so as not to be visible when not in use, and that the new speakers should be placed discreetly.

32. It may be that the proposed positioning of the screen was not sufficiently clear in the photographs included in the proposal document, but the details provided by the parish show that the screen and winch are to be hidden behind the arch. As regard the speakers, the DAC had suggested that their position be raised and the parish has confirmed that the speakers in main nave are to be hung in line with the apex of the first arch at the same height as existing pendants, so as to avoid disrupting sightlines to the pulpit. They will be coloured to blend with their surrounds.

33. The concerns of the Society are therefore reflected in the plans. The parish will no doubt wish take account of the Society's suggestions on the colouring of lighting rigs and cabling.

#### (iv) The welcome desk/servery

34. The Society does not oppose the introduction of the proposed welcome desk and servery, but is concerned that the design and workmanship should be of high quality. In my judgment that concern can best be met by a condition that the specification and installation are overseen and approved by the inspecting architect.

### **Conclusions and conditions**

35. I have carefully considered all aspects of the works proposed by the parish as part of the reorganisation and development of the church and am satisfied that the works are necessary if the parish is to be able to fulfil the aims of the Scheme of Reorganisation and for the church

to offer the space and facilities which its mission and worship, and wider community use, require.

36. Accordingly I direct that a faculty shall issue for the proposed works, subject to the following conditions:

- (1) that the heating specification is reviewed and agreed with the inspecting architect in light of the Church of England's policy on achieving carbon neutrality and of any guidance given by the Diocesan Advisory Committee; any revised proposals are to be submitted to the committee for further consideration and to the Chancellor for final approval before any installation work commences.
- (2) that the paint specification for the redecorating of the nave is reviewed and approved with the inspecting architect and then agreed by the archdeacon & an architect member of the committee.
- (3) That the new speakers in main nave are to be hung in line with apex of the first arch at the same height as existing pendants, so as to avoid disrupting sightlines to the pulpit.
- (4) That any request to install a warm air curtain over the south door be made by application for a TMRO licence.
- (5) That the specification for and installation of the reception/welcome/servery area be overseen and approved by the inspecting architect.

**His Honour Philip Waller CBE**

**Chancellor**

**10 March 2021**