

**In the Consistory Court of the Diocese of Worcester
Archdeaconry of Worcester:**

Great Malvern Priory:

Faculty petition 09-38 relating to new chairs

Judgment

Introduction

1. The existing chairs in the Nave of the Priory have reached the end of their useful life. There appears to be no disagreement with that broad proposition, nor any objection to the disposal by sale of those chairs. To the extent that the present petition seeks authorisation for the disposal of the existing chairs, therefore, I agree in principle that that should proceed; but clearly it would not be appropriate for that to take effect until appropriate replacement seating has been both approved and installed.
2. Further, there appears to be no objection from anyone to the principle of replacing the existing chairs with new chairs – that is, no-one is arguing in favour of either fixed pews or movable benches.
3. Several people have suggested that it would be desirable to remove the old pew platforms from the nave; and I agree that that might be highly desirable, particularly in view of the Parish's duties under the Disability Discrimination Act 1995; but that may have to await the availability of suitable grant aid or other funding; and in any event the introduction now of new chairs, of whatever design, would not impede the carrying out of that further improvement at some time in the future.

The withdrawn petition

4. As for the replacement seating, the Parish originally put forward a petition for a faculty to authorise seating of a design that led to considerable opposition, not least from a number of members of the congregation. The petition was, wisely, withdrawn.

5. In the course of my consideration of that petition, I suggested (in a letter of 7 November 2007) that any future design should be considered in the light of a number of criteria, including:
 - the need for any new chairs;
 - the appearance of the proposed chairs in themselves;
 - their suitability for use in the Priory;
 - the detailed design of the chairs (quite apart from their appearance), in respect to comfort, weight and dimensions;
 - their likely longevity;
 - their durability, and the likely cost of any maintenance;
 - their flexibility in use, particularly in relation to the ease (and noise) of moving, linking and unlinking;
 - their suitability to accommodate kneelers, coats, books, umbrellas and other items;
 - their suitability for use by elderly or disabled people; and
 - the financial implications of the proposal.

The present proposal as originally conceived

6. The Parish accordingly reconsidered the matter, and selected the Tallow range of chairs produced by Irish Contract Seating, made from oak but with a padded seat and back, upholstered in a fabric known as “Cranberry”. At its meeting on 17 July 2008, it accordingly resolved to seek a faculty for 280 chairs to that specification, and a further 40 Howe chairs (to match those acquired some while ago for the north choir aisle) to be used

occasionally to be provide additional capacity. I note in passing that there is no objection to the 40 additional Howe stacking chairs.

7. In a statement dated October 2008, it explained why it considered the chosen design to be satisfactory in relation to each of the ten criteria listed above. In relation to the colour of the upholstery, it stated that “the brick red colour chosen blends very well with the Romanesque pillars of the nave and the Minton floor tiles.” I note that the nave aisle is made up of tiles in standard Victorian colours – black, cream and brick red; and the “Cranberry” fabric (in spite of its name) is a uniform brick red shade.
8. In a letter from the Parish dated 17 October, it was noted that some members of the PCC agreed with the DAC that wooden seat backs looked better, whilst others considered that fabric backs looked better. But all thought that the padded back was much more comfortable. It was noted that the “muted brick colour” of the upholstery blends well with the tiles, as well as being a warm colour.

Consideration of that proposal

9. The matter was considered by the DAC at its meeting on 28 November 2008, when it expressed some concern, in particular as to the choice of the colour for the upholstery (unfortunately the minutes of that meeting do not record what colour was then being proposed, but presumably “Cranberry red”).
10. A site visit was accordingly conducted by members of the DAC, on 6 January 2009, the minutes of which record the view that the Tallow chair was “not the DAC’s ideal choice”. In addition, members “were particularly concerned at the major visual effect of the padded seats and back-rests all in such a deep colour, and there was a good deal of discussion on alternative designs of the back-rests, alternative seating materials, and/or the possible use of an interior designer or a fabrics expert to identify a more suitable colour.”

11. At the following meeting of the DAC, on 27 January, some members continued to express the view that a better chair should still be sought. However, the DAC concluded that the chairs should be recommended, subject to a proviso regarding the finish of the wood, as follows:

“the oak should be limed, to the same tonal quality as the stonework of the pillars, and then lightly waxed but left to a matt finish. A sample of the woodwork finish should be submitted to the DAC for approval. This should be part of the contract given to the manufacturers of the chairs, as any finishing should be carried out before upholstery.”

It also recommended that the proposal be notified to English Heritage and the Society for the Preservation of Ancient Buildings (SPAB).

The present proposal as initially revised

12. The PCC at its meeting on 22 February 2009 accordingly resolved to seek a faculty for replacement seating in the nave, in the form of Tallow chairs, as follows:

- “one third to have upholstered seats and backs covered in Camira fabric Dusk AD007, which picks up the pink hue of the stonework,
- one third to have upholstered seats and backs covered in Camira fabric Bouquet AD096, which is a darker but complementary colour,
- one third to have wooden backs with upholstered seats covered in the above two fabrics in equal numbers,”

as well as the 40 Howe chairs.

13. The proposal was supported by 19 members of the PCC, with 3 abstentions, and none against.

14. In relation to the proviso to the DAC recommendation, the Parish agreed with the preference for a matt finish, but commented that the PCC and English Heritage were

agreed in support of a natural oak finish, as it would go with the existing oak of the organ, whereas the limed finish (preferred by the DAC) would introduce a new finish into the Abbey. In addition, the limed finish would be more expensive, and would wear off with time.

15. The proposal was duly notified to English Heritage, which (in a letter of 7 September 2009) responded as follows:

- “English Heritage does still have reservations over the design of the Tallow chair but, as we have been unable to identify a suitable alternative, we are not raising an objection to its use.
- If the Tallow chair is to be used, we would prefer that all chairs have timber rather than upholstered seat backs. This would provide a uniform colour scheme throughout the church, and blend better with the tones of the stonework. We are putting this suggestion forward for the Chancellor to consider in coming to his determination – it is not a formal objection to the parish proposal.
- We would prefer that the seat cushions be of a uniform colour. We consider that having two colours of cushion will create a distracting “chequerboard” appearance to the seating, rather than allowing it to recess into the background and allow the impressive Norman architecture of the nave to predominate. Again, we put this matter forward for the Chancellor to consider, not as a formal objection.
- We do object to the use of Bouquet as a fabric colour. We do not consider that this will complement the tones of the surrounding stonework, and that its red colour will be visually obtrusive in the Grade I church.”

16. The proposal was also notified to the SPAB, which replied that it did not wish to comment on this occasion.

17. The petition was publicised more widely, in accordance with the statutory requirements, but no responses have been received.

18. The Archdeacon submitted a helpful note in response to the objections from English Heritage. In response to the preference for all the chairs to have timber backs, he comments:

“At the site visit, a number of DAC members suggested a variety of colours etc (and mention was made of St Martin’s London Road). Coherence was seen as being achieved through the retention of the same style while it was suggested that the variety could be managed by either placing the chairs in blocks of one colour or by using a more random/scattered approach. I am concerned that in this regard (as in a number of others) the DAC members suggested so many alternatives to the Parish that (a) they were in danger of undermining the considerable work that the parish has already undertaken on this project and (b) the mass of ideas (based on personal taste and individual preferences) would simply lead to confusion.”

Assessment of present proposal as initially revised

19. As already noted, there is no objection to the principle of disposing of the existing chairs, nor to the 40 additional Howe stacking chairs.
20. As for the main block of seating, all parties are content (albeit in some cases without huge enthusiasm) with the choice of Tallow chairs from Irish Contract seating – not least on account of the ease with which they can be stacked.
21. The Parish originally wanted a uniform scheme of chairs all with padded seats and backs, but in the dark brick-red colour (“Cranberry”). The padded backs, in particular, were preferred on grounds of comfort. They were persuaded to introduce a more varied scheme, primarily as a result of concern on the part of the DAC as to the impact of such a large block of such a strong colour. English Heritage was concerned both as to the variegated effect arising from the mixture of four different types of chair, and as to the darker of the two colours now proposed (“Bouquet”), even though the latter is the only aspect of the scheme to which they formally object.

22. In a letter to the Registrar dated 29 September 2009, copied to all of the parties, I set out my assessment of the position, as noted above, concluding that I shared the concern as to the variegated pattern, and its potentially harmful visual effect on the appearance of this very important interior. St Martin's London Road, Worcester had been mentioned, but that is a very different building with a much more robust architectural language. The mixed scheme had apparently been introduced only to assuage DAC concerns arising from the original choice of such a strong colour; and I noted that English Heritage was equally concerned as to the darker of the two colours proposed. I shared those concerns too.
23. I also noted that there was a preference in some quarters (not just on the part of English Heritage) for wooden, rather than upholstered, seat backs. However, I observed that the Parish considered that upholstered backs would be much more comfortable; and that if the chairs were to have padded seats (of whatever colour), there would be less justification aesthetically for resisting padded backs.

The present proposal as further revised

24. In all those circumstances, I explained that it might be appropriate to consider a scheme of new seating comprising 280 Tallow chairs, but all with padded seats and backs, and all upholstered in Dusk AD007, to pick up the pink hue of the stonework (as well as the 40 Howe chairs). That would provide the Parish what it originally wanted in terms of comfort and uniformity of appearance, but would avoid the unfortunate chequerboard effect, and the stronger colours disliked both by the DAC and by English Heritage.
25. I noted that this would represent an amendment to the proposal as submitted, and that I not had the views of any of the parties on precisely this scheme. I therefore sought the views of the Parish, the DAC, English Heritage and the Archdeacon before proceeding further. I emphasised that I would take into account fully any views that may be expressed; but that, subject to any such views, I would in all probability greet

sympathetically any application by the Parish to amend the petition along the lines indicated above.

26. The PCC duly considered that suggestion and, at a meeting on 11 October 2009, considered a proposal to amend the petition so as to seek a faculty for 280 Tallow chairs, with all padded seats and backs, all upholstered in fabric Dusk AD007, with 40 Howe chairs to make up for lost capacity. The proposal was supported by a vote of 23 to 1 – with the one vote against being on grounds of colour only.

27. The DAC was able to discuss the proposal as thus further amended at its meeting on 29 September 2009, and indicated that it would support it; and English Heritage and the Archdeacon have also expressed support.

28. In all those circumstances, I grant leave for the petition to be amended in the manner indicated. I further direct that a faculty issue to authorise the works that are the subject of the petition as thus amended, subject to a condition that no order be placed for the chairs until a sample of the wood finish has been approved in writing by the court following consultation with the Diocesan Advisory Committee, and that the chairs be in accordance with the sample thus approved.

CHARLES MYNORS

Chancellor

12 October 2009