



Petition No. 9842

**IN THE CONSISTORY COURT OF
THE DIOCESE OF OXFORD**

Date: 26th May 2015

Before :

**THE REVEREND AND WORSHIPFUL ALEXANDER MCGREGOR
CHANCELLOR**

**In the matter of :
All Saints, High Wycombe**

-
Determined on consideration of written representations

JUDGMENT

The Chancellor:

1. The Incumbent and churchwardens of All Saints, High Wycombe have submitted a petition dated 30th September 2014 seeking a faculty to authorise the re-ordering of the west end of the church. The re-ordering comprises the following elements:
 - (1) replacement of the outer west doors;
 - (2) relocation of the inner west screen doors (the ‘Keene doors’) to the bay of an arch between the chancel and the Lady Chapel (which lies immediately to the south of the chancel);
 - (3) creation of an entrance foyer at the west end with inner and outer screens and a mezzanine floor above; and
 - (4) relocation of the font and its cover from the west end to the north aisle.
2. The diocesan advisory committee have issued two notifications of advice in respect of the proposals. The first is dated 7th April 2014. The DAC recommends the proposals for approval by the court subject to provisos as to the details of the relocation of the Keene doors, comments from English Heritage (now known as Historic England), the making of a photographic record and measured drawings, and comments from the local authority on the change of the exterior doors. The notification states that the DAC has recommended consultation with English Heritage and the local planning authority because “some or all of the works or proposals involve alteration to or the extension of a listed building to such extent as would be likely to affect its character as a building of special architectural or historic interest”.
3. The second notification of advice, dated 8th September 2014, relates to item (2) only. The DAC recommends the proposal to relocate the Keene doors subject to provisos relating to subsequent approval of detailed specifications and the making of a photographic record and measured drawings before the works are begun. The DAC state that in their opinion this work would not be likely to affect the character of the church as a building of special architectural or historic interest but they nevertheless recommended consultation with English Heritage.
4. Given the DAC’s view expressed in the first notification of advice – which related to the proposals as a whole – that some or all of them would be likely to affect the character of the church as a building of special architectural or historic interest, I ordered, in accordance with rule 8.9 that public notice be displayed on the diocesan website giving 28 days for any objection to reach the registrar. No objections were received in response to that notice or to the public notices displayed at the church.
5. I also ordered, in accordance with rule 8.3, that the following bodies be given special notice of the petition, accompanied by a full set of the plans which accompanied the petition, the DAC’s notifications of advice, the statement of significance and the statement of needs–
 - English Heritage
 - The Society for the Protection of Ancient Buildings
 - The Georgian Group
 - The Victorian Society

- The local planning authority.
6. No response was received from the Society for the Protection of Ancient Buildings or the Georgian Group. Responses were received from English Heritage, the Victorian Society and the local planning authority.
 7. The response from English Heritage referred to a letter which they had sent at an earlier, informal stage of consultation dated 9th November 2012. They stated, “We have nothing to add to these comments and wish the chancellor to take them into account but do not wish to lodge a formal objection at this point.”
 8. The response from the Victorian Society also referred to a letter they had previously written, dated 7 February 2013 and stated that they maintained the objections as set out there. They further stated that “[b]ecause of the limited resources at our disposal we do not wish to become a party opponent to the granting of a faculty in this case, but we ask that the Chancellor take our letter into account in reaching his decision.” They went on, by way of a fall-back submission, to say that if I was minded to permit the relocation of the font, they “would nonetheless object to the proposed changes to its plinth and base” and suggested an alternative way to make the font easier to use.
 9. The response of the local planning authority stated that they had no objection to the proposals and no need to make any further representations.
 10. The Historic Buildings and Monuments Commission for England (formerly known as English Heritage, now as Historic England) is a statutory body whose functions include securing the preservation of ancient monuments and historic buildings and the giving of advice in that regard, an area in which it has significant expertise. As such, it is accorded a special status under the legislation relating to the faculty jurisdiction. The Victorian Society is a distinguished body which not only promotes the conservation of Victorian built heritage but also has significant expertise in that area and, as one of the national amenity societies, it too is accorded special status under relevant legislation. It is therefore unfortunate that in this case the submissions of English Heritage and the Victorian Society have proved to be of less assistance to the court in evaluating the proposals than is normally the case. The reason for that is that the proposals which are the subject of the petition have been revised in the light of the observations which those two bodies made on the original draft proposals in 2012 and 2013. By simply referring, in their responses, to the letters they had previously written, they offered no observations on the revisions that had been made to the proposals in the meantime.
 11. Nevertheless, because the court values the expertise that English Heritage and the national amenity societies bring to bear on petitions of this nature, I shall, so far as possible, seek to extract from their earlier correspondence such of their observations as remain material to the revised proposals.
 12. I have been assisted by a helpful schedule produced by the petitioners which sets out in three columns, respectively, a description of each relevant aspect of the original proposals, any critical comments that have been made in respect of that aspect, and the petitioners’ response which is either by way of revision of the original proposals or argument against the critical comment.
 13. Although the petition is formally unopposed it is nevertheless contentious and requires detailed consideration. I considered that it was expedient to determine the proceedings on

consideration of written representations instead of by a hearing. The petitioners – the only parties to the proceedings – have agreed to determination on consideration of written representations and I therefore make an order under rule 13.1 to that effect.

14. In considering the proposals, I have adopted the framework of guidance provided by the Court of Arches in *Re St Alkmund, Duffield* [2013] Fam 158 at paragraph 87:

(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 the answer to question (1) is “no”, the ordinary presumption in faculty proceedings “in favour of things as they stand” is applicable, and can be rebutted more or less easily, depending on the particular nature of the proposals

(3) If the answer to question (1) is “yes”, how serious would the harm be.

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

(5) Bearing in mind that there is a 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? In answering question (5), the more serious the harm, the greater will be the level of benefit needed before the proposals should be permitted. This will particularly be the case if the harm is to a building which is listed grade I or II*, where serious harm should only exceptionally be allowed.

I have also had regard to the observations about these questions which were subsequently made by the Court of Arches in *Re St John the Baptist, Peshurst* (9 March 2015, unreported).

15. The starting point for consideration of the proposals is that this is a grade I listed building. Only 2.5% of listed buildings are listed at grade I and they are of exceptional interest. The church of All Saints, High Wycombe was first listed in 1954 and the list entry has not subsequently been amended. The list entry details are as follows–

Originally Norman, rebuilt 1273, heightened and altered C15. The tower, originally over the crossing, was rebuilt at the west end circa 1521-35 under supervision of a certain Roland Messenger; cornice, parapet and pinnacles added circa 1755 by Henry Keene. Restored by G E Street, 1873-5, and by J Oldrid Scott 1889-9. Impressive architectural wall, monument in north chapel to 1st Earl of Shelburne, 1754 by Scheemakers. Other monuments include one to Sophia Countess of Shelburne, 1771 by Agostino Carlini in south chapel, Shrimpton monument by Westmacott, 1784. The church is long with slender pillars to arcades of lofty nave. South porch of circa 1275.

16. I inspected the church over a period of approximately two hours on 21st March. I closely examined the font and the Keene doors. I viewed the west doors and the west end more generally from a number of view points, both internally and externally. I also inspected the church as a whole in order to form an impression of its architecture and history on which subjects I had already been helpfully informed by the statement of significance. The church is very fine architecturally and is also of importance historically, not least because of the distinguished architects who carried out work on the church in the eighteenth and nineteenth centuries.

17. I consider the special architectural and historic interest of the church is composed of a number of factors. First, it is a fine example of a mediaeval church which was built in the years immediately after the Conquest and substantially reconstructed in the 13th and 15th centuries. The cumulative effect of those phases of the church's development has created much of its overall effect as, in the words of the list entry details, a church which is "long with slender pillars to arcades of lofty nave". The effect is impressive and one of architectural grandeur of a scale and quality greater than that possessed by most parish churches. The south porch is also particularly fine and merits mention in its own right as significantly contributing to the architectural and historic interest of the church.
18. Secondly, it contains fine work from later periods. In assessing the significance of the later work, I bear in mind what was said by the Court of Arches in *Re St Alkmund, Duffield* [2013] Fam 158 at paragraph 50 that the relative lateness of part of a listed building does not, for that reason, mean that it is necessarily of less importance than more ancient features in terms of the significance of the building as a whole.
19. The tower parapet and pinnacles were added in about 1755 by the architect Henry Keene, who among other distinctions was surveyor to the Dean and Chapter of Westminster and was one of the earliest proponents of a revival of the gothic style. Keene is also known to have designed the manorial pew and a set of west doors at All Saints. There is currently an inner door at the west end of the church constructed out of softwood panelling. It is glazed with timber tracery and is gothic in style. It is thought to be by Keene and to date from the time of his work on the tower. In the statement of significance the petitioners describe these 'Keene doors' as being of significance, which they undoubtedly are.
20. The interior of the church was substantially restored and altered by G.E. Street in about 1872. Street was one of the foremost architects of the nineteenth century. Early in his career he was appointed architect to the diocese of Oxford and lived in Beaumont Street. He built two churches in the city of Oxford and restored a number of others. Later he was responsible for, among other significant buildings, the Law Courts in the Strand. During Street's restoration of All Saints many of the furnishings were removed, a new roof was built over the chancel and new perpendicular east window inserted. The interior was refurnished and includes a pulpit and a font designed by Street. The statement of significance describes the font as being of high significance. I agree: it is a very fine piece and representative of the high quality of furnishing introduced into the church by Street. Situated where it is, towards the western end of the central axis, it has a striking and dominant appearance in its current position and is a distinguished ornament. As part of the Street restoration and re-furnishing, it is clearly of very significant historic interest. It also contributes to the overall architectural character of the church in a reasonably significant way.
21. A further phase of restoration was undertaken in the 1880s by John Oldrid Scott. His work was largely to the exterior of the church, albeit that he reconstructed or replaced a number of windows. For that reason, his contribution to the cumulative significance of the building, while of some importance is not very material to the present proposals.
22. Taking account of the fact that the church is a grade I listed building and therefore of exceptional interest, I consider the proposals would impact on the significance of the church as a building of special architectural or historic interest as follows.

- (1) The replacement of the outer west doors – which are eighteenth century – with new high quality solid oak doors with part-glazed panels will not have any

appreciable impact on the architectural character of the church. The design of the new doors is sympathetic to the architecture of the building. The stone surround will be retained and existing ironmongery is to be retained and reused. While the eighteenth century outer doors are of some historic significance, replacing them will have only a low impact on the historic significance of the church as a whole.

- (2) The relocation of the Keene doors to close the gap within an arch on the south side of the chancel will have a low impact on the architectural interest of the building and a very low impact on its historic interest. While I agree with the evaluation of the Keene doors in the statement of significance as being of significance, they do not, in my assessment, contribute in a very significant way to the architectural significance of the church as a whole in their present position. As the church is currently ordered, the area at the west end under the tower is dark, unvisited and used for storage. In their current position, the Keene doors cannot easily be appreciated and their ability to contribute to the architectural character of the building as a whole is limited. Therefore, while their relocation to form a screen door between the chancel and the Lady Chapel to its south will have some impact on the architectural significance of the church, I consider that impact to be low.
- (3) I have given particular consideration to what English Heritage said in their letter of 9 November 2012 about the historic significance of the Keene doors and remnants of this early phase of the Gothic revival being rare. However, the impact on the church's historical significance will be minimal because the doors are to be retained in the church. There will be some impact because they will not be in their original position (assuming that they are in their original position now). But their historical association with the church will be retained. I do not think that the architectural or historic interest of the church would be affected any the less by adopting English Heritage's proposal that the panelling and door frame be adapted to incorporate the Keene doors in a new glazed inner west door. My inspection of the Keene doors revealed them to be of a quite flimsy construction: they are very light and flex when pushed. They would require a great deal of adaptation to strengthen them for daily use in a main door of the church. By contrast, their relocation to the position proposed by the petitioners would involve considerably less adaptation with the result that the historic significance of the doors would be better preserved.
- (4) As to the creation of an entrance foyer at the west end with inner and outer screens and a mezzanine floor above, it is this aspect of the proposals which has undergone the most revision since the original proposals were consulted on. As originally conceived, the parish's plans involved the creation of north, central and southern galleries at the west end of the church, immediately to the east of the tower. As the revised plans show – and as explained in the statement of needs – the suggested galleries to the north and south do not form part of the proposals. The proposed mezzanine floor above the foyer is not now designed in order to accommodate north and south galleries and it would no longer project into the nave to the extent originally proposed. It would now project into the nave about half the distance originally envisaged and its shape has been redesigned with the result that overall it is considerably less intrusive and much more sympathetic to the existing architectural design within which it would sit. In particular, it would no

longer obscure the easternmost of the double tower arches. For these reasons, I consider that the creation of the foyer with inner and outer screens and the mezzanine above would have a low impact on the architectural character of the building and a low impact on its historic character.

- (5) Relocation of the font and its cover from the west end to the north aisle is accepted by English Heritage as being “necessary, given that the west end is to be the main entrance to the building”. And they have said they “understand that the current base presents practical difficulties” – the implication being that they do not object to the proposal to provide the font with a new base. However, they took issue with the original proposal for the new position of the font on the basis that it “cuts across the route to the north door and would interfere with Street’s tiled floor leading to this doorway ... and is liable to look rather messy when executed.” They suggest that the font should instead be positioned centrally within one of the western bays on the north aisle. In the revised plans, this is precisely what the petitioners now propose. On that basis, I assume that English Heritage no longer have concerns regarding the font.
- (6) The Victorian Society, by contrast, are strongly opposed to the relocation of the font and to its alteration. They objected to earlier proposals that the font be sunk into a lowered base (which was to address the fact that the current height of the font makes performing baptism difficult) and the proposal that it be “transposed from its prominent central position at the west end to a lesser place beside the north door”. In the revised plans, it is no longer proposed to sink the font into a lowered base. The current proposal is to install a larger, Portland stone base which would incorporate a stone step forming a 120 degree platform to the rear (i.e. north side) of the font.
- (7) In considering the impact on the architectural and historic significance of the building of the proposals relating to the font I have found it necessary to consider (a) the proposal to *relocate the font* and (b) the proposal to *alter the font* by providing it with a new base.
- (8) So far as relocating the font is concerned, in the light of what I have already said about the contribution the font makes to the overall architectural significance of the church, I consider that relocating it to the north aisle, where it would be somewhat less prominent and no longer set on the central axis, would have some appreciable but limited impact on the architectural significance of the church.
- (9) Relocating it without more would have only a very small impact on the church’s historic significance. That is because although the font makes a very significant contribution to the historic interest of the church, and there would be a certain amount of loss of historic significance from the fact that it would no longer be in the position where Street placed it, the font would nevertheless remain in the church and its historic association with the church, and with Street’s restoration, would thereby be retained.
- (10) But so far as altering the base of the font is concerned, that would result in a much greater impact on the historic significance of the building, a matter which I consider further below.

23. In the light of my assessment of the impact of the various aspects of the proposals set out above, I consider that the following aspects, whether individually or cumulatively, would not result in harm to the significance of the church as a building of special architectural or historic interest–

- (1) replacement of the outer west doors;
- (2) relocation of the inner west screen doors (the ‘Keene doors’) to the bay of an arch between the chancel and the Lady Chapel;
- (3) creation of an entrance foyer at the west end with inner and outer screens and a mezzanine floor above.

That being so, the ordinary presumption in favour of things as they stand applies in respect of those aspects. I find that in relation to those aspects of the proposals, the ordinary presumption is rebutted by virtue of the reasons which are set out in the statement of needs.

24. But for the reasons given above, I consider that (a) relocating the font would result in harm to the architectural significance of the church and that (b) altering its base would result in harm to the historic significance of the church.

25. So far as the relocation of the font is concerned, I have found that it would have some appreciable but limited impact on the architectural significance of the church. I note that the position to which it is now proposed to be relocated accords with the views of English Heritage but not with those of the Victorian Society. While relocating it would reduce its impact in its own terms, I do not consider that its relocation to a position in the north aisle would result in serious harm (within the meaning of question 5 of the *Duffield* guidelines) to this grade I listed building. Its principal contribution to the character of the church is its historic interest, arising from its association with the restoration by Street. That historic interest would not be diminished in a significant way simply by relocating it within the church. In terms of the church’s architectural interest, the font contributes something by virtue of being a fine piece situated prominently on the central axis but it does not make a major contribution to the special architectural interest of the church as a whole. Relocating it would cause minor harm to the architectural significance of the church.

26. The justification advanced for the proposals as a whole is very clearly set out in the statement of needs. As the Victorian Society acknowledged in its letter of 7 February 2013, the proposals form the latest phase of ‘the Heart of High Wycombe’ project which, according to the statement of needs, seeks to

maintain the inherent beauty, heritage and magnificence of one of the most architecturally important churches in Buckinghamshire, with the needs of a busy and needy local community. The project will cost in the region of £1m and will see significant improvements to make the building adaptable and suitable for wider community use while still maintaining a sacred centre for Christian worship. The vision is to create a space that is flexible and attractive exploiting its astounding acoustics for concerts and artistic performances, utilising its space and utility for art and craft displays supporting the Christian message, and offering café, bookshop and tourist information facilities as well as smaller spaces for use by local groups and for counselling and support of vulnerable members of our community.

27. The statement of needs goes on to explain that the current arrangements at the west end of the church, with the south porch as the only usable entrance on a daily basis, prevent the church from appearing to be open to the public. It was clear from my inspection that the entrance via the south porch is not apparent when the church is approached from the High Street. Instead, the public are faced with the closed, west doors which as matters stand are not suitable for use on a daily basis. Hence the proposal to develop the west end in the manner proposed in the petition.
28. The statement of needs also argues that the font “creates a strong visual block to the sense of welcome and to the beautiful space of the nave, chancel and altar”. It also states that “the interior of the building cannot be seen from the main public thoroughfare. If the west doors are open, the existing screen and font block out the view of the interior of the church ...”.
29. When I inspected the church I carefully observed the visual effect of the font from outside the west doors. When standing a few yards away from the west door, the font and its cover obscure something like one-third of the view into the church and create the impression of a dark, unwelcoming interior. If the font is relocated, that is likely to be of significant assistance in achieving the objectives of the Heart of Wycombe project set out above. If the font were left in its current position, the intention of creating an open and welcoming entrance at the west end would be defeated. The justification for relocating the font is entirely clear and strongly convincing.
30. I have said that I consider that relocating the font as proposed would cause minor harm to the architectural significance of the church as a whole. The public benefit, in the form of putting the church to viable uses that are consistent with its role as a place of worship and mission, that would result from relocating the font outweighs that minor harm.
31. So far as altering the base of the font is concerned, I consider that that would result in only a very small amount of loss in terms of the architectural significance of the building as a whole. But the proposed alteration to the base would result in loss to the historic significance of the church over and above the (small) loss of historic significance that would result from relocating it without more. That is because the whole piece, font and base, currently remain in the same form as they were designed by Street. The pulpit has already been altered from the form in which it was designed by Street. That fact increases the historic value which the unaltered font contributes to the historic character of the church. While I would not characterise the harm that would result from the proposed alteration of the base as serious harm which should only exceptionally be allowed to a building which is listed grade I or II*, I would nevertheless characterise it as moderate harm and, as such, requiring justification.
32. The justification put forward for the alteration of the base is essentially practical. The distance between the surface of the base and the top of the font means that the font bowl is inconveniently high for the performance of baptism. I found this to be the case when I stood on the base. Moreover the part of the base on which the priest has to stand is effectively a narrow step with the result that one has to balance precariously while officiating.
33. These are, of themselves, good reasons for making some form of alternative provision. But there is a less harmful alternative which would not result in altering the base itself, namely the creation of a moveable wooden base which would facilitate the safe use of the font and which would also preserve the integrity of Street’s design. This is the Victorian

Society's fall back position. It is also an alternative option canvassed by the petitioners in the statement of needs and therefore something which they at least consider to be viable. While this is clearly not the preferred option for the petitioners, it would provide a practical solution. Given the availability of this alternative, the justification for the proposed alteration of the base is not clear and convincing. I am not therefore satisfied that the justification advanced for altering the base of the font outweighs the harm I have found would result from that particular proposal.

34. In the light of the findings I have made, I will grant a faculty for the proposed works, including the relocation of the font, but it will be subject to a condition that the proposed alterations to the font are not proceeded with and that the existing font, base and rails are relocated in their current form.
35. The faculty will also authorise the introduction of a removable wooden base. It will be a condition that details of the removable wooden base are agreed with the DAC, with liberty to apply to the court in the event that agreement cannot be reached.
36. There will be a condition requiring the making of a photographic record and measured drawings of the parts of the church affected by the work before it begins, with copies deposited with the DAC and the county archives.
37. There will be a condition that a specification and drawings for the relocated Keene doors and frame are agreed with the DAC in advance of their relocation, again with liberty to apply to the court in the event that agreement cannot be reached.
38. There will also be conditions to cover the possibility of encountering human remains during the works concerned with relocating the font.
39. The court fees are payable by the petitioners.