

Neutral Citation Number: [2023] ECC New 2

**DIOCESE OF NEWCASTLE  
IN THE CONSISTORY COURT**

His Honour Judge Simon Wood  
Chancellor

26 February 2023

In the Matter of St John the Evangelist, Killingworth: construction of extension; renewal of heating system; re-ordering and associated works

**JUDGMENT**

**Background**

1. The Grade II listed church of St John the Evangelist stands on the north side of West Lane at a 90 degree bend, the main road connecting Forest Hall and Backworth, which passes through the heart of the ancient village of Killingworth, whose origins date to the C13th. In the Metropolitan Borough of North Tyneside, it is situated to the north, and slightly east, of Newcastle upon Tyne. In the 1841 census, the population was recorded as 112 occupying 14 dwellings but mining activity resulted in more housing being constructed in the decade or so that followed. When built, St John's stood on the northern periphery of this small village which was associated with farming and coal mining. Lord Ravensworth was the owner of the world famous Killingworth Colliery where the even more famous George Stephenson was a locomotive engineer. The "Father of Railways" lived nearby at Dial Cottage in neighbouring West Moor.
2. In keeping with its historically modest size, until the middle of the C19th, Killingworth was part of the parish of neighbouring Longbenton but it became a parish in its own right in 1865. Four years later, in 1869, according to the Victorian Society, 'a nationally significant church' was built in a mid Victorian 'Rogue' Gothic style to the design of the 'noteworthy and interesting' Sunderland born architect Enoch Bassett Keeling (1837-1886). Constructed of sandstone and decorated with red sandstone bands, all of which came from a nearby quarry, it has a Welsh slate roof. It was inaugurated 28 December 1869, the day after the Feast of St John the Evangelist after whom it was named. The organ, which was installed at the time of construction, was a second hand one. The speculation as to how that came about it is not material to this judgment.

3. The church of St John now stands to the south of a new town, formerly known as Killingworth Township, a local initiative constructed in the 1960s on derelict colliery land, taking the name 'Killingworth' from the ancient village. Intended to have a population of 20,000, it was standing at almost exactly that figure in the 2011 census. A close neighbour to the west of St John's is the appropriately named George Stephenson High School, built in 1970, with a student population in 2019 of around 1,200.
4. This dramatically different demographic profile of the parish to that existing at the time St John's was conceived and constructed, together with a wish to bring a number of features up to C21st expectations, is a significant driver behind this petition.

### **The procedural history**

5. By a petition dated 21 October 2022, the petitioners (priest in charge, church warden and chair of "The Way Forward" project) seek:
  - (i) to build an extension to the northern elevation of the nave to comprise a new entrance lobby incorporating a small library, notice boards and two lavatories, one designed to be fully accessible;
  - (ii) a modernised heating system;
  - (iii) to raise the organ (still the 1869 second hand instrument) on to a mezzanine floor. That, it is said, will bring about two benefits:
    - (a) beneath the mezzanine, where the organ now stands, space will be created for a small kitchen, a cleaner's cupboard and storage;
    - (b) secondly, accessed by a stair case from beneath the new floor, in addition to the organ and its console, there will be space for a small informal meeting area;
  - (iv) to reposition the font opposite the new entrance and in sight of the altar;
  - (v) to carry out various minor repairs including redecoration.
6. This ambitious project comes at significant cost, a third of which is already available through a substantial legacy which has been ring fenced for this purpose. The extension required civic planning permission which has been granted. There has been extensive consultation, locally and with national amenity societies whose input is reflected the final proposal. It comes with the support of the Diocesan Advisory Committee. The petitioners hope to commence work before 15 March 2025 and it is expected to take 30 weeks.
7. However, the proposals, principally the extension, have attracted some opposition locally. At the secular planning stage some local residents and the Northumberland and Newcastle Society (hereafter "N&N"), the oldest amenity society in the country, opposed the extension albeit their objections were overruled by the planners. On public notice being given of the petition, whilst a letter of support was received from Canon David Walker, objections were received from:

- (i) Sally Taverner;
  - (ii) Maureen McKeown and Frank Mason who live in Vicarage Cottage, accessed by the lane adjacent to which the proposed new entrance lobby will open.
8. On objections being received, in accordance with Pt 10 of the Faculty Jurisdiction Rules 2015, each being an “interested person” by virtue of living in the parish, the registrar wrote to them in accordance with r.10.3 with the result that Sally Taverner sought party opponent status whereas Maureen McKeown and Frank Mason simply asked that their written objections be taken into account in reaching a decision. The petitioners served a reply to the particulars of objection by Sally Taverner who, unsolicited, responded to the reply.
9. Ms Taverner was granted party opponent status whereupon the court considered, pursuant to Pt 14, whether this was a cause that, in accordance with the overriding objective, could be determined on the written representations of the parties instead of by a hearing. However, before that issue could be decided, the court considered it necessary to draw to the attention of the parties the fact that the Chancellor is, and has since 1984, been a member of N&N, serving as a member of the Tyneside Committee (which scrutinises planning applications of significance including all of those where listed building consent is being sought) in the 1980s. The parties were asked to raise any objection to the Chancellor determining this application in those circumstances. Happily, each answered in the negative and subsequently invited determination without a hearing as a proportionate method of considering the issues whereby costs would be minimised.
10. Accordingly, this opposed petition proceeds on consideration of written representations in accordance with r.14.1(1).

### **The petitioners’ case**

11. The petitioners, in the Statement of Need, note that St John’s enjoys a worshipping community of approximately 100 with an average of 50 attending Sunday worship. Services are held during the week as well as for civic and uniformed purposes. Additionally, there is a large number of occasional offices, weddings, baptisms and funerals. Separately, the church hosts concerts, school visits (primary, secondary and the nearby Percy Hedley special school) and exhibitions, as well as offering rehearsal space to a local community choir and a drop off point for the local food bank.
12. Having formed a planning group, The Way Forward, a number of needs were identified for the building itself to bring it into the C21st addressing comfort of users, flexibility of use for worship and engagement with mission and witness within the parish community. An early manifestation of the group’s thinking following engagement with both congregation and wider community both in the church and in the nearby shopping centre

as well as by use of social media, was the installation of flexible seating authorised by faculty in 2018. The culmination of this wide ranging work was the identification of the following perceived needs:

- accessible lavatory facilities
- somewhere to provide refreshments within the church building
- improved heating both for comfort and environmental reasons
- improved visibility of the church to the whole parish of Killingworth
- improved access for ceremonial purposes, weddings, funerals and civic services
- flexibility to use the building more regularly for displays such as those relating to the history of the local area
- a space for young people's activities
- facilities for performances by schools and musical groups
- a meeting space
- improved storage

13. The project was then the subject of scoping by an appointed architect and, thus, a process developed including extensive consultation locally, with local interested parties and with the local planners (North Tyneside Council Planning Committee granted planning permission for the proposed extension on 15 March 2022), the Tyne and Wear Archaeology Officer, the Victorian Society, Historic England, the Church Buildings Council and the Ancient Monuments Society. The DAC Organ Advisor reported and Harrison & Harrison, organ builders, have advised extensively with regard to the organ. The proposals now formulated have the support of the PCC and the wider congregation of St John's.

14. The real controversy relates to the extension and the use to which it is to be put so it is convenient to explain this here. From the petitioners' point of view it is designed to fulfil three principal functions namely,

- (i) to create a more convenient and dignified entrance and lobby to the church on its north elevation, the side of the church that faces out to the new town;

- (ii) to install lavatories which the church currently lacks;
- (iii) to create space for a small library.

15. To understand this properly, a site visit was required and was carried out privately on 20 January 2022. As originally conceived, the original plans of Bassett Keeling incorporated a north aisle as a mirror image of that on south side. It was never constructed and the north wall was finished with a rather unappealing render, presumably in the hope that, at some unspecified point in the future, a north aisle could be added.



16. Addressing the purposes identified, the petitioners make the following points:

- (i) The current entrance to the church, reached via a path parallel to the nave which involves walking the length of the church, is via a porch incorporated in the south aisle, is somewhat unprepossessing. However, it is also relatively narrow in width and, on entering the porch, involves a 90 degree turn to progress into the church giving rise to considerable difficulty introducing coffins as well as providing a suboptimal entrance for ceremonial occasions and weddings. As the entrance is accessed via a footpath, there is no possibility of driving a vehicle to the door. By contrast, the proposed new entrance will facilitate vehicular access. However, those issues aside, whilst the south entrance is visible approaching from the old village, the north elevation faces the new town and does so in a most uninviting manner.



- (ii) Presently there are no lavatories in the church. Such facilities are provided in the former church hall, now the St John's Community Hall, but that involves a walk to a detached building which is on the other side of the churchyard, not just inconvenient but impractical for the elderly or those with mobility issues. There is no scope to introduce lavatories into the church within its existing footprint: cubicles would, in effect, have to open directly into the body of the church giving rise to privacy issues even if the issue of drainage could be overcome as the main sewer is in the lane adjacent to the north elevation. The provision of suitable lavatories is not just a proper but necessary facility to meet the needs of the congregation, visitors and wider community users.
- (iii) The space proposed to be created would also conveniently accommodate the church's small library.

17. It is convenient to quote the concise Heritage Statement on this issue prepared by Ainsworth Spark Associates the architects employed for this submitted with the petition:

'Presently the church entrance is positioned at the west gable, hidden from the principal access from West Lane. This presents an uncomfortable and undignified entry for ceremonial occasions with inconvenient and dangerous parking on the bend of West Lane for ceremonial vehicles. The church is without any toilets or space for modest kitchen facilities for serving tea/coffee and snacks for varying events.'

18. Before turning to the objections raised, I need also to address the other area of controversy, namely the plan for the organ. Although not designed for St John's but imported from elsewhere, it was built by Postill of York and its significance is such that it is listed on the British Institute of Organ Studies Register of Historic Pipe Organs as Grade II\*. The original thoughts of the petitioners had been to dispose of the organ to create

more space at the west end, with a mezzanine above that would provide space to serve as a meeting area. Those thoughts were banished following a very clear opinion from the Diocesan Organ Advisor, Mr Daniel Cook, as to the historic value of the instrument and the necessity of it being preserved. Since extensive advertising nationally and internationally produced no interest that would ensure its preservation, the petitioners have recognised the need to retain the instrument. The court has read a comprehensive report from the internationally known organ builders, Harrison & Harrison, which details at length the history of the instrument and the reasons for its significance, one of the three largest surviving instruments by Postill. Last refurbished, likely, in the 1950s, it needs extensive work. In making their proposals Harrison & Harrison say their focus:

‘..is to provide the Church with a reliable musical instrument that will serve the liturgy for generations to come, through a sensitive restoration of this historic organ. The C19th congregation at St John’s were prudent in ordering an instrument of quality that has lasted for perhaps almost 150 years. We believe that an approach such as we propose will safeguard that investment.’

19. Noting that the instrument had been intended for location in the north aisle that was never built, its position at the west end is, in fact the optimum location for it. Indeed, there is no other place to position it. Given that space is a premium, the only way to generate more is to lift the organ on to a mezzanine floor, a common arrangement in many churches. The advice given is that the only contra indicator to elevating it on to a newly created mezzanine floor, cost aside, would be the further obscuring of the west window.
20. Accordingly, the plans have been re-drawn following extensive consultation to achieve this arrangement and thereby create space below the mezzanine for a small kitchen servery, sink and sluice arrangement for flower arrangers’ use and storage for tables, chairs and the like in an effort to de-clutter the nave space as much as possible. There will remain room on the mezzanine for a small meeting space alongside the organ and its console.
21. The further obscuring of the west window is proposed to be mitigated by the use of a glass balustrade and appropriate lighting which it is thought will be aesthetically pleasing.

### **The objections**

22. As already mentioned there are, in effect, two: one from Ms Taverner as party opponent and the other from Ms Mckeown and Mr Mason. The latter live in one of a small number of houses accessed by the lane which is the means of access to the proposed new entrance. I assume that Ms Taverner lives in the same area as she shares the same postcode. None are parishioners, nor are they listed on the parish electoral roll. Ms McKeown and Mr Mason describe themselves as ‘good neighbours to the church for over 30 years’.

23. They hold different views in relation to the extension:

- (i) Ms Taverner has no objection to the church creating accessible lavatories and, if they cannot be incorporated within the current footprint of the existing building, no objection to the extension. Indeed she suggests that, rather than creating a ceremonial entrance, the church might consider incorporating a changing places facility as well as creating more storage space which, in turn, would obviate the need to raise the organ, with consequent savings and preservation of the existing view of the west window.
- (ii) Ms Mckeown and Mr Mason object in principle to any extension but support the provision of lavatories on the basis of their being incorporated within the footprint of the existing building.

24. They are, however, united in their opposition to the extension being used to create a new ceremonial entrance to the church:

- (i) Ms Taverner suggests such an access would be significantly less safe for church users than the current entrance and that it is both unnecessary and inappropriate for ceremonial vehicles;
- (ii) Ms Mckeown and Mr Mason describe the access as ‘a sub standard lane/footpath that is extremely narrow for safe combined vehicular and pedestrian movement’.

25. Each develops their position at some length in their written objections. Ms Taverner is critical of both the civil planning process, complaining that documents submitted were misleading and full of errors, and the decision, suggesting that the local authority ‘did not have a strong grasp’ of the issues. However, she says that the proposal will bring real problems by reference to the poor quality of the surface of the access lane, the distance to walk from West Lane and a reduction in the available parking space. As there is only room for one way traffic, if people are dropped off by the new entrance, cars driving out will come into conflict with cars entering. Although the existing entrance will remain available, that begs the question, she says, as to the necessity for a new entrance.

26. Ms Taverner challenges the necessity and appropriateness of the new entrance for ceremonial vehicles. She quotes with approval the submission of N&N to the planners in opposition to the planning application:

*“Neither the Design and Access Statement nor the Heritage Statement present a case for an extension in this position except to say that the western entrance is hidden from West Lane and presents an “uncomfortable and undignified” entry for ceremonial occasions, and that it “ignores the wider community and Killingworth Township”. However, the planned porch would be no more visible from the road*



*than the existing entrance which was planned by Keeling, and those wishing to use or visit the church would find the entrance as they do now. The original plan of the church reproduced in the Heritage Statement, which shows the footprint of the unbuilt north aisle would appear to show that no other entrance was intended, certainly not on the north side, though it has not been possible to confirm this as the documents do not reproduce the proposed elevations.”*

27. Ms Taverner challenges the contention that the existing entrance is unsuitable for ceremonial entrances pointing to the attractiveness of the porch entrance and the fact that the difficulty with manoeuvring coffins is as much attributable to the presence of an internal door, installed within living memory, suggesting that with the removal of the pews, and implying that with the removal of the internal doors, the problem can be solved. Noting that photographers make good use of the porch and footpath for wedding photographs, she suggests most brides would prefer to walk up the path than be driven along a bumpy narrow lane.
28. Ms Taverner takes exception to the Heritage Statement quoted within N&N’s submission above pointing out that parishioners have never had any difficulty finding the entrance to the church, denying that it is inconvenient and decrying the proposition that placing a door on the north elevation, less than 25 m away, renders the church any more welcome to its wider community.
29. Having questioned why internal changes do not need planning approval, she goes on to comment on the overall plans, how they have changed in purpose over time, arguing that the net impact of the overall proposed investment in re-ordering is quite limited relative to the cost which she suggests do not represent good value for money. It is convenient to note here for Ms Taverner’s benefit, that, owing to the ecclesiastical exemption, there is no requirement for listed building consent to be obtained for internal changes to listed churches: such issues are entirely for the Consistory Court.
30. Recognising that the ambitions of The Way Forward Group to improve comfort and flexibility as well as enabling greater engagement in mission and witness are ‘worthy’, she plainly does not believe that the plans are necessary to achieve those ends. The extension can properly be used for lavatories, storage and a kitchen area quickly and at far less cost and invites the petitioners to think again.
31. Ms Mckeown and Mr Mason, noting that the original Bassett Keeling plans never envisaged a north entrance, argue that the density of the population on each elevation does not warrant one now. Like Ms Taverner, they maintain that the lane will pose a danger for vehicles and pedestrians alike as well as creating congestion and danger to the community as a whole. Access from the northern footpath has poor visibility of oncoming traffic, the extension would create concealed parking with hazardous access and will encourage illicit gatherings that are already a feature of this area.

32. They deny that there is any need to create any meeting area given the flexibility already achieved by the removal of the pews. As already mentioned, they believe lavatories should be provided within the current footprint.

### **The petitioners' response**

33. The petitioners responded in accordance with rule 10.4 to each point in detail. Noting that the suggestion that the extension be used for additional storage rather than a new entrance fell far short of the need for additional facilities or viable for greater, sustainable use. They repeat the consequences of the need to maintain the organ including the extensive advice taken as well as steps to try and find a new suitable home for it. Although the present proposal will compromise the view of the west window further, this has to be balanced against the benefits of freeing up floor space to achieve their objects.
34. In respect of the entrance, the consultees have included local funeral directors who have agreed them, plans enthusiastically endorsed by the DAC. They maintain the importance of an entrance facing the direction in which the greater proportion of the parish population live, an issue which has repeatedly been raised in a series of Mission Action Plans, reinforced by high levels of public ignorance that St John's serves the whole of Killingworth as it now is.
35. In terms of access, that too has been the subject of direct consultation with local funeral directors to ensure that suitable access is achieved. They point out that delivery vehicles, including regular supermarket deliveries to the nearby houses via this route, appear to be able to use the same access without difficulty. Furthermore, having received detailed planning approval for the porch and its immediate surroundings, following a two year planning process which included full consultation with community and congregation over a five year period, the ultimate approval includes the issues of access, circulation, local environment as well as design issues. Mindful of its responsibilities to meet the Diocesan goal of becoming carbon neutral by 2030, the work overall will assist in the process of reducing their carbon footprint.
36. They conclude thus:

“The plans promoted by the PCC are emphasised as those considered necessary and appropriate to secure the effective future for St John's serving its parish community. Further and wider consideration of the objector's comment may require even more time and the threat of cost to St John's without bringing anything new to the discussions. St John's has acted to accommodate the objector's concerns and issues over a very extended and, to an extent, dispiriting period.”

## Discussion

37. The proposals now presented to the court for which the petitioners seek permission are, I am entirely satisfied from consideration of the significant volume of material provided to me, the outcome of many years of consideration, planning and consultation. In the course of that process, inevitably, there have been different suggestions as to how to bring about the desired result with changes, modifications and many different views expressed. The Statement of Need provides a helpful precis outlining the evolution of the plans now before the court.
38. With regard to the local community, in answer to a specific enquiry, I was told that meetings were held with close neighbours at the inception of the plans as early as 15 February 2017 (I note Ms Taverner, Ms Mckeown and Mr Mason were all in attendance), with further meetings in March 2018, a Survey Monkey consultation at the Summer Fair and the shopping centre, also 2018, with further meetings with neighbours in November 2019 and then a written process during Covid in 2020.
39. I am also entirely satisfied that, from the outset, the plans have been driven not just by the necessity to provide basic modern facilities but to reach out to the parish's wider community and to encourage families and those with children into St John's in an environment that meets their needs and can accommodate them comfortably before, during and after services. Thus, the provision of lavatory and kitchen facilities is an absolute minimum that can be expected. The existing arrangement whereby it is necessary to leave the church and walk to the Church Hall is not a sustainable long term solution.
40. It is equally clear to me that it is not practically possible to provide lavatory facilities that are dignified and private within the existing footprint as Ms Mckeown and Mr Mason contend, quite apart from the enormous task of seeking to link them to the main sewer. In the circumstances, it seems unavoidable to build an extension to accommodate them, as Ms Taverner appears to accept, and the court has no hesitation in rejecting the opposition to the extension *per se*.
41. It has been very clear on reviewing all of the evidence provided that, whilst the proposals have generated some controversy, they have also been the subject of extensive consultation. Not mentioned in order to keep this judgment within reasonable bounds, are the many changes that have been made to the plans since they were first formulated and, whilst Ms Taverner is implicitly critical of the changes which she argues have changed the original rationale, it seems to me that what I have read is a perfectly rational evolution of the plans taking into account the consultation process as well as obstacles that the petitioners recognised could not be overcome. The stand out example is the organ. Given a free hand, the petitioners would have disposed of it. For the reasons already mentioned that was not possible and, given its size relative to the available space, that has necessarily dictated a significant review of how the objects were to be achieved given the space and

resources available. On a smaller but important scale, the preservation of the Bassett Keeling font, albeit slightly re-located, rather than the incorporation of a movable font, is another change directly attributable to the consultation process.

42. The court has read the detailed responses of The Victorian Society. Despite its interest in maintaining and treating with respect what little is left of Bassett Keeling's churches, it accepted the proposal for a new porch and entrance, considering that the desire to provide a dignified entrance and lavatories was "uncontentious". The Society added:

'we recognise that the site of the unbuilt north aisle is an appropriate place for any extension to the church'.

Having raised serious concerns regarding the then design of the proposed extension, it welcomed amendments proposed as a consequence albeit maintained that there were features that contributed to a 'commercial idiom that is alien to the character of the church'. In the final analysis, however, it did not object to the petition but invited its comments to be taken into account.

43. Historic England and the Church Buildings Council raised no objection and the latter welcomed the proposal to retain the organ and considered that the proposals were justified, leaving any further considerations to the DAC. Its final advice recommended the proposals subject to three conditions none of which are material to the issues here being considered.
44. The court has considered the plans for the extension with some care. It is modest in scale. It balances the entrance on the south side. It remains within the footprint of the original design. It avoids pastiche. The use of a glass connection to the buttresses and its lighter construction underlines its contemporaneity but there are nevertheless references to the existing architecture. Whilst it would disturb the external fabric of the north wall by the opening of the arch to link to the extension, the architects make the point that the original design anticipated this linking the nave to the north aisle.
45. Having concluded that the construction of an extension is necessary, the real argument, Ms Mckeown and Mr Mason aside, relates to the proposal to incorporate an entrance. I have, as mentioned, already made a site visit. Whilst Ms Taverner contends that the fact that approval by the secular planning permission 'only means the [planning] committee believed it met certain criteria' and asserted that it had not been assessed against tests of necessity, 'a good idea' or 'good value for money', it seems to the court that central to her objection, and that of Ms Mckeown and Mr Mason, is the assertion that it is not safe due to the restricted access. That, with respect, is *par excellence*, entirely within the remit of the secular planners and the court regards it of significance that they have concluded that those objections are not such as to prevent the grant of the permission sought of them. Nor is the court persuaded that the errors and misleading statements appended to Ms Taverner's written objection could begin to vitiate the validity of that process: on

the issue of the creation of a ceremonial entrance, it is difficult to see how the planners could have been deceived by describing parking on West Lane as 'inconvenient and dangerous' or the lane being incorrectly named 'Vicarage Lane' (a name that is said not to exist), the only two complaints that, in my judgment, have any relevance to this issue. In the court's judgment, so to allege is to underestimate the care and serious consideration that planners give to applications for listed building consent and gave to this challenged application in particular.

46. It is clear that the difference in opinion as to the significance of there being a north facing door is not one that is capable of being resolved. The Heritage Statement, already quoted in the N&N submission to the planners, continues:

'Most importantly, the new access addresses directly, and welcomes, the Killingworth Township, which the church now serves, to the north.'

The planners, in considering whether to grant listed building consent, accepted the argument and rejected the criticisms of N&N and those of Ms Taverner. The court has read new arguments that have not previously been rehearsed. The Victorian Society raises no objection. The proposals have been exhaustively consulted upon. Visiting the church from the north, I was struck by the extent to which it is presently an almost hostile front, exacerbated by the concrete render. Standing on the road to the north, very conscious of the entrance to the large school to one's immediate west, quite apart from the new town to the north, it could scarcely be less welcoming.

47. Whilst it is fair to say that safety of access may not be uppermost in the minds of the Victorian Society or the other national amenity societies (and the court notes that it did not feature in the quoted objection of N&N to the planners and N&N has not sought, as it might, to object to the petition), it is entirely relevant that those most likely called upon to use a ceremonial entrance by vehicular means, namely undertakers, have not only been consulted but endorsed warmly the proposal. The fact that delivery vehicles can use the access, including supermarket home delivery services, presumably employed on a fairly regular basis, without giving rise to issues of risk or danger that has warranted the local authority *qua* highway authority to intervene is also highly relevant.
48. Taking all of these factors into account, and having inspected the access myself, the court is satisfied that the safety issues associated with permitting vehicular access to a new entrance have been overstated and cannot stand in the way of this court endorsing the approach of the planning authority.
49. Having so concluded, it seems to me that there is, in the final analysis, no proper basis on which the objection to create a new entrance should be upheld. The petitioners have made out a sufficient case to justify the scheme they advance and have, patiently and sensitively, addressed all issues as they have arisen, adapted and modified as necessary

and responding adequately to points made by those who have objected with obviously sincerely and deeply held views to the contrary.

50. This is not a case where the court is greatly assisted by any of the authorities in relation to alteration of listed churches. The court is bound by the principles set out in *Duffield, St Alkmund* [2013] Fam 158, but this is not a case where it is suggested that the intended extension would harm the character of this Grade II listed church. The scheme has been devised from its earliest iterations with a view to preserving the character and interior of St John's. It is acknowledged by those who have objected, either explicitly or by implication, that modern adequate facilities need to be provided as a necessity to support, promote and extend the mission of St John's. For the reasons already given, the court is satisfied that this cannot be achieved without the building of an extension. Ms Mckeown and Mr Mason are lone voices in arguing against it.

51. Neither is the court persuaded that the very significant cost of the proposals is something which ought to weigh heavily with it. As already found, an extension is needed. The preservation of the listed organ is a complicating feature that cannot be avoided and nor do the petitioners seek to argue otherwise. Although the parish is already in possession of significant funds owing to a legacy already earmarked for it, fund raising for a scheme on this scale can only sensibly be commenced once permission has been granted. On the application being granted, it will be a condition that work will not proceed for any individual part of the permission until adequate funding is in place for that part.

52. For the avoidance of doubt, the court approves the plan to re-site the organ on a new mezzanine floor. The benefit of creating space for a kitchen, cleaners' cupboard/flower arranger's sink and storage outweighs the disadvantage of further restriction of the west window which is, in any event, mitigated by the provision of a glass balustrade.

53. None of the other proposals of the petition are controversial and would not have warranted a judgment. Thus:

- (i) the proposals for the new heating system, namely, the installation of electric infra-red radiant heaters in association with a suitable green electricity tariff to achieve zero carbon;
- (ii) the re-positioning of the font opposite the new entrance and in sight of the altar;
- (iii) minor repairs and redecorating as detailed;

are all approved as prayed.

## Decision

54. In the final analysis, the court is satisfied that, on a careful and considered view of all of the material provided, the petitioners have made out a proper case in support of their faculty and it should succeed. It is beyond argument that the Church in general, and St

John's in particular, needs to change and adapt to reach out to a wider population and younger people. As noted at the beginning of this judgment, the demography of the area served by this church could scarcely have changed more dramatically and save for the introduction, presumably, of heat and light and, more recently, the removal of the pews, it is a church that would likely be instantly recognisable to its very first parishioners. The statement of need addresses this head on, is a visionary document and the PCC, on behalf of its congregation, have tirelessly, patiently and sensitively worked to create a scheme, taking into account all interests, local, civic and historic, to bring it to fruition.

55. There has been considerable extra work carried out by the registrar and the court given the objections advanced and, on the face of it, an order that the costs be provided for would not be out of place. On balance, however, my decision is that there will be no order as to costs,

56. Accordingly, a faculty will issue as prayed. I understand that the current grant of planning permission requires the commencement of work prior to 15 March 2025 and, to that end, these terms will apply:

- (i) The works authorised by this faculty shall be commenced before the expiry of three years from the date hereof and be completed within 12 months of commencement, subject to any application to extend either the secular planning permission and/or this grant;
- (ii) no work shall commence, nor any contract for work signed, until all proper funding is in place for the phase of work in question;
- (iii) no material variation to the proposals approved by this faculty shall be permitted until full details of the same, whether by drawing, plan, specification or howsoever, have been approved in writing by the DAC after appropriate consultation with the relevant amenity societies or, absent agreement, by the court.

Simon Wood  
Chancellor  
26 February 2023