

**IN THE CONSISTORY COURT OF THE DIOCESE OF ST ALBANS**

**IN THE MATTER OF ST MARY’S CHURCH, LUTON**

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**JUDGMENT**

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**Introduction**

1. By a petition lodged on 16 November 2022, a faculty is sought for the replacement of the current pink padded, oak chairs in the main body of the church with Alpha furniture SB2M chairs with metal frames and dark grey Marna fabric.
2. St Mary’s is a distinguished grade I listed church located in the heart of Luton, which provides a focal point for the town. It is set in a landscaped churchyard, particularly striking given its highly developed urban setting. The church building is 900 years old and has undergone many changes over time. Restorations in the 19<sup>th</sup> and 20<sup>th</sup> centuries, in particular, returned the church to its full glory. It has a particularly fine interior which includes a painted wooden ceiling in the chancel, a fine stone pulpit, a restored and working clock tower, a very lovely Magnificat window in the south transept, medieval oak choir stalls and a unique and beautiful 14<sup>th</sup> century baptistery at the western end of the nave.
3. In recent years (2019) the church has committed major resources to replacement of its Victorian heating system with a modern, sustainability-focussed system, and has also modernised sympathetically in other ways, including by the installation of an AV system. A little earlier, in 2001, a faculty was granted for the introduction of chairs. Since that date the main body of the church has featured rows of oak chairs with heather-pink padded (back and base) seats.

## **Proposed works**

4. The works now proposed seek the replacement of those chairs. In broad summary of what I find to have been very extensive, carefully researched and detailed proposals set out before me, the main reasons that the petitioners seek to replace the existing chairs are as follows:
  - 4.1. The existing chairs are very heavy. The papers before me indicate that there have been injuries sustained by the staff team in the course of frequently having to move the chairs;
  - 4.2. Lightweight, stacking chairs would improve the safety of the team charged with moving the chairs and would also provide greater flexibility of space for an extensive programme of events, hiring opportunities, cultural occasions in addition to church services, thereby assisting the church in increasing its revenue;
  - 4.3. The proposed chairs are suitable for confined area stacking and storage arrangements that will assist in maintaining the neat interior appearance of the church when the chairs are moved, as opposed to the existing arrangement whereby the heavy oak chairs are piled to the sides of the church when moved;
  - 4.4. The design of the frame and the choice of fabric has been widely trialled and consulted upon and is considered to be more sympathetic to the important interior of the church than the existing oak and pink padded chairs. In particular the charcoal grey padding reflects key colours seen throughout the nave and quarry floor tiles and the slimline metal frames echo George Pace designed metal lighting used throughout the nave and aisles as well as the altar cross and communion plate.
5. The proposals which are before the court have been developed with input from the DAC, who attended site visits, advised on the range of colours of fabrics that ought to be reviewed and further advised that a substantial group of chairs of the proposed design be moved from the church hall (where they have already been in use for some time) and set up in bulk to enable better visualisation of the impact of the chairs in the interior. The proposals developed from these and other steps taken by the petitioners have received the unanimous support of the PCC and the recommendation of the DAC.

## **Public notice - objection**

6. The public notice procedures required under the Faculty Jurisdiction Rules were followed and elicited an objection from Ivor Parrish, who describes himself as a subscribing mailing list member, although neither a parishioner nor on the electoral roll, but who attends “*civic and other services at St Mary’s Parish Church*”. Despite the limitations on his standing, I considered that Mr Parrish had demonstrated sufficient interest in the outcome of the petition and directed that he should be invited to consider whether he wished to become a party opponent. He elected not to, but I have nonetheless taken into serious consideration the points he raises as regards the proposed works in his helpful email dated 13 December 2022.
  
7. Mr Parrish describes himself as “...*dissatisfied with [the proposed new chairs] on all grounds relating to church style and appropriateness*” and as also “...*uncomfortable with the means in which their proposal came about*”. His email raises, in summary, the following specific concerns:
  - 7.1. The current chairs are more than adequate. Their sturdiness, colour and comfort attracts and supports worshippers;
  
  - 7.2. The proposed new chairs are flimsy and cold in design, not in keeping with the architecture of the splendidly historic church. Rather they suggest a “concert hall image”;
  
  - 7.3. No consideration has been given to opportunities for kneeling;
  
  - 7.4. Mr Parrish is critical of the committee responsible for the selection and proposal of the chairs. This, I perceive, is linked to Mr Parrish’s concern that the chairs are “quirky” in appearance, which he believes is a reflection of the vicar’s personal style. As I understand Mr Parrish’s position, he is concerned that the composition of the committee means that there has been insufficient independence when considering replacement of the existing chairs, and that the issues this raises warranted a more

arms' length consideration. Mr Parrish also suggests that the church wardens, in their role as signatories to the petition, are "compromised".

8. The petitioners have responded in full to all of the points raised in the email of objection. I will evaluate the proposals against the legal framework and, in the course of that evaluation, I will take into consideration the different points of view expressed by Mr Parrish and the petitioners' answers to him.

### **Legal position**

9. Adopting the framework and guidelines commended by the Court of Arches in *Re St Alkmund, Duffield*<sup>1</sup>, a series of questions needs to be addressed whenever changes are proposed to a listed building. The starting point is a strong presumption against change and a significant burden lies on petitioners to rebut it.

*Would the proposals result in harm to the significance of the church as a building of special architectural or historic interest?*

10. The existing chairs, as Mr Parrish has observed, have a particularly sturdy and solid appearance. Their replacement with much lighter, metal framed chairs with dark grey padded seats will be a noticeable change to the interior. Whilst it is certainly not to its chairs but rather to its many other historical and aesthetically important features that the church owes its significance, Mr Parrish's points draw out the valid consideration that the way the chairs interact with those features must be sympathetic and complimentary. I note Mr Parrish's strong views that the proposed chairs detract from rather than compliment the interior. However, I conclude that the particular features of significance in this church (many of which I have noted in the introduction to this decision) are sufficiently imposing and independent of any relationship to the chairs to transcend the sorts of changes under consideration in this case. It is, nonetheless, arguable that the visual impact and modernity of the style of the proposed chairs might be considered to result in some very minor harm to the significance of the church.

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<sup>1</sup> [2013] Fam 158

*How serious would the harm be?*

11. If they were to give rise to any harm at all to the significance of the church, the proposals to replace one set of modern chairs with another – even though considerably different in design and character – would result in minimal harm.
  
12. This is evidenced by the fact that the church’s significance has been maintained and continues to be related to specific significant architectural and aesthetic elements, despite the comparatively more radical initial introduction of modern seating in 2001. It is also a conclusion I draw from features of the proposed new chairs which allow some aspects of the interior to be shown off to a greater degree than is presently possible with the existing heavy oak chairs. In particular, I accept the petitioner’s evidence that the DAC’s suggestion of setting up a significant grouping of chairs for review revealed that the lighter, more slimline metal frames of the new chairs allowed much more of the coloured Victorian quarry floor tiles to be seen than does the present arrangement. I also conclude that the proposed frame and the dark grey fabric colourway are more complimentary to the key colours in the nave (white painted stonework, black metal work and tiles in dark grey, terracotta and beige) than the current oak frame and heather pink padded chairs, which find little resonance in key architectural and interior features of the church.
  
13. On balance, the proposals are more likely to be of benefit to the church’s overall appearance than to be of any harm to it.

*How clear and convincing is the justification for carrying out the proposals?*

14. In considering the evidence of justification, I have had regard to:
  - 14.1. the Statement of Significance;
  - 14.2. the Statement of Need;
  - 14.3. the letter from the petitioners addressed to Mr Parrish, together with appendices;
  - 14.4. the photo presentation produced by the petitioners;
  - 14.5. the update in response to DAC advice.

15. The Statement of Significance is clear and contains much helpful detail on the historic evolution of the building and in particular its role as the local centre of worship and mission. The Statement of Need is thoughtful, revealing coherence in planning and a well-articulated vision as to what is required of the building now and is likely to be needed in the future. I need not rehearse all of the details within this judgment but I have also had particular regard to the fact that the proposals demonstrate careful consideration of relevant matters, an extremely thorough process of selection undertaken with full attention to the views of users over the course of over two years, and suitable consideration of both advice from the DAC and feedback from parishioners.
16. In addition to the aesthetic advantages to the new design which I have highlighted above, the petitioners have identified a number of practical justifications for the replacement of the chairs with those of the chosen design. In particular, because of its size, important location, availability of parking and beauty, the church is used for many purposes besides worship, including those which can raise funds for the church. The advantages of the proposed new chairs which the petitioners have explained include facility of movement and positioning, stacking, storage and safety. These advantages will enable the existing functions to be carried out with greater ease, will ensure the tidy storage of chairs in a smaller and more contained area when not in use and will facilitate mission and worship (e.g. enabling the creation of innovative spaces for small group prayers, as well as for larger gatherings). The evidence before me is that in addition to its already extensive range of users, new users of the church have also indicated that they intend to book the church, provided it can offer more flexible interior space than it can at present by reason of its non-stackable, heavy seating. In particular the London Philharmonic orchestra and the University of Bedford have given this indication. This is likely to create additional income streams for the church.
17. Mr Parrish's emailed objection did not deal with the benefits of stacking and lightweight in terms of neatness, storage suitability or safety. He did, however, suggest that the comfort levels of the existing seating are an important feature that will be lost. I am satisfied that the extensive testing, comparison with other models (which included the assembly of all models of stacking chair that were available on the market in the UK (as at November 2021) and an opportunity to test them being provided to all members of the congregation), plus

the familiarity of the congregation with the model of the proposed chairs through their existing use in the church hall, all support the conclusion that the proposed chairs are at least comparably comfortable. In addition, I note that the new design allows for the introduction of some chairs with arms, which are proposed as part of the package of purchasing. None of the existing chairs offer this feature and this is also to be commended as an assistance to comfort and accessibility.

18. I accept the petitioners' response to Mr Parrish's observations regarding kneeling arrangements, namely that there will be no change in the existing kneeling arrangements by the introduction of the proposed new chairs.

19. I should also deal with the "lack of arms'-length decision making" issue raised by Mr Parrish in his objection. I find no difficulty with the group of volunteers that formed the committee leading on choosing the appropriate design in this case. The committee was chaired by Andrew Beale, a long-term member of the church's congregation who is an experienced hotelier, frequently buying chairs for various purposes for his hotels and having also done so in other capacities for The Worshipful Company of Bakers and the charity Youthscape. Other members of the committee included the vicar himself, Reverend Mike Jones, his wife Ruth Jones, who is a professional interior designer, and Ulrike Hunt, the church's senior administrator, who has oversight of staff including those who have reported injuries sustained in moving the existing chairs. The evidence before me, which is not gainsaid, explains and evidences that the committee actively followed up on advice it received from the DAC and also worked in consultation with the church's architect to ensure that the proposals were suitable having regard to the interior space they would occupy. Provided that there has been sufficient consultation, as I find there has been in this case, and provided that proper PCC process has been followed in deciding to submit a petition for faculty (including necessary review and decision-making by the PCC), there is nothing to require the vicar to be independent of that decision-making process, nor to prevent him from drawing on those he knows with particular expertise in relevant fields who are willing to volunteer their time to assist. Indeed, it would be highly unusual for an incumbent to be other than deeply involved at all levels when decisions affecting their church are under consideration.

20. In the circumstances I am satisfied that the petitioners and PCC have properly turned their minds to the use and appearance of the church in considering the question of replacing the existing chairs and that the needs of and the benefits to the church amply justify the proposals in this case.

*Will the public benefit outweigh any harm?*

21. For all of the reasons above, I conclude that the pastoral benefits articulated in the evidence before me outweigh any minimal level of harm which may result from the implementation of these proposals.

### **Conclusion and order**

22. It follows that I am satisfied that a faculty should issue, and I make that order accordingly. The time for completion of works is 12 months.

**Lyndsey de Mestre KC**

**Chancellor of the Diocese of St Albans**

**15 March 2023**