



Faculty – Grade II listed 20th Century town church – Unopposed application to create a glazed outer porch to the main entrance and a ramp within the existing porch to improve community access to the church – Faculty granted

Application Ref: 2019-035568

IN THE CONSISTORY COURT
OF THE DIOCESE OF OXFORD

Date: Saturday, 10 July 2021

Before:

THE WORSHIPFUL DAVID HODGE QC, CHANCELLOR

In the matter of:

ST JOHN THE EVANGELIST, NEWBURY

THE PETITION OF THE REVEREND BECKY BEVAN (Vicar) and MR DAVID OATS and MS ALISON FOULKES (Churchwardens)

Unopposed petition determined on the papers and without a hearing.

The following case is referred to in the Judgment:

Re St Alkmund, Duffield [2013] Fam 158

JUDGMENT

Introduction and background

1. This is an unopposed online faculty application, dated 24 May 2021, by the vicar and the two churchwardens of this Grade II listed prominent town centre church building, designed by Stephen Dykes Bower and constructed between 1955 and 1957 (and situated within the Newbury Town Centre Conservation Area), to improve community access to the church building by creating a glazed outer porch to the main entrance of the church and a ramp within the existing porch space and relocating the electrical cupboard, mains supply and distribution board. The works will only start when sufficient funds have been raised for the project to proceed.

2. The church is built of local Berkshire red brick in a Romanesque style. It is a tall and imposing building which stands at a busy roundabout where five roads intersect and it is a local landmark, even for those who have never been inside the building. The church has considerable significance architecturally, historically, artistically and in terms of its use and its importance in the lives and memory of local people. The history of St John's is unique in that it is built on the site of its predecessor, which was the only church in the Diocese of Oxford to have been completely destroyed by enemy bombs in the Second World War. In February 2018, the town marked the 75th anniversary of this destruction and the loss of life incurred. The bombing, and the building of the present church, lie deep within the living memory of many people in the area, including some members of the congregation of St John's itself. The church was declared a Grade II listed building in March 1988 and was among one of the first post-war buildings to be listed. St John's is a beautiful church. Whilst architecturally dramatic, it is a place of tranquillity, of quiet and stillness, very conducive to contemplation and prayer, and enhancing to public worship on a large scale. The church has a rich liturgical heritage. The high altar is visible from all parts of the nave while the side aisles lend themselves very well to the traditions of worship, including processions, and also to school services and performances.

The amenity society

3. The relevant amenity society is the Twentieth Century Society. They were consulted at an earlier stage of the development of the present proposals. In their response, in November 2019, they commended the time that the church had by then already taken to refine and develop their proposals, noting that the parish had adopted the approach of carefully considering a way of achieving their needs while causing minimal impact upon the listed building. The Society were impressed by the church's solution of providing a ramp by relocating the existing electrical cupboard, thereby not only retaining the baptistry intact but also maintaining the impressive view from the narthex down the nave to the sanctuary, which was considered of major importance. However, the Society were not entirely convinced by the then proposed porch structure; and they raised concerns over the impact on the appearance of the south elevation of the church. The Society concluded that the detailing of the porch would be vital to the success of the

scheme, and this should include justifying assurances of its reversibility and minimal intervention into the church's historic fabric. These concerns appear to have been sufficiently addressed by the proposals as they presently stand; but if any concerns remain, they will be adequately addressed by condition (1) below.

The Statement of Needs

4. According to the Statement of Needs, despite the significance of the church building, and the activities it accommodates, the current entrance arrangements are not as welcoming or as accessible as they need to be. It is considered that improvements to the entrance and the narthex of the church would be invaluable in helping and heartening the experience of regular worshipers, as well as encouraging and inspiring the entry of newcomers. The parish have determined that this aim of improving community access can be achieved by delivering the following two objectives:

- (i) A single access point for all, by providing a disabled access via the main entrance.
- (ii) Improved visibility and presentation of the entrance and the narthex.

5. In order to deliver these two objectives, four elements have been identified for construction, alteration, or improvement, namely:

- (1) An external glass entrance porch – A new fully glazed entrance porch incorporating bi-parting automatic glass doors at the main entrance to the church.
- (2) A ramp – A gentle incline from the entrance porch into the southern side-aisle, giving access to the nave and the main church.
- (3) Lighting – The provision of improved lighting in the narthex and the entrance area.
- (4) Adjustments to the doors – The existing inner and outer doors are to be retained, with the inner doors permanently pinned back.

6. The rationale for each of these four proposals is as follows:

(1) The external glass entrance porch – The two sets of double wooden doors into the narthex that make up the main entrance at the west end of the church are dark and heavy, with the inner ones being hazardous to open and close. This makes for a difficult and unsafe entry, as well as a bleak, dark and gloomy atmosphere in the entrance porch. This is not the image that St John's wishes to present to the world because part of the mission of St John's (as, indeed, of the Church as a whole) is to welcome anyone and everyone simply, openly and warmly. In order to help accomplish this mission, it is proposed to install a new fully-glazed glass entrance porch incorporating bi-parting automatic glass doors at the main entrance to the church. This will make the act of entry easier for all, and allow for visibility into the church before entering; indeed, any passers-by would be able to see inside the church and hopefully they may be enticed to come in. This will also increase the lighting levels in the porch and the narthex and so help to lift the murky atmosphere which people may find unwelcoming.

(2) The ramp - The accessibility of the church is restricted not only by heavy doors and poor lighting but also by the presence of three steps between the narthex and the nave. At present, those with walking aids, wheelchairs or pushchairs are directed around the sides of the church

and are forced to enter either via the parish rooms or by the vestry door at the east end. The former route necessitates negotiating an exposed pathway and the opening of another two doors. This gives a very negative message, especially to those unfamiliar to the church, such as visitors and newcomers. A common entrance for all is important theologically in terms of welcome and equality, as well as legally. The proposed installation of a ramp from the main porch, through the current electrical cupboard, up into main body of the church will provide a universal, and easy, entranceway for everyone from the main entrance, regardless of their physical capabilities.

(3) Lighting – The poor lighting in the entrance may have been part of the original architect’s intention, effecting a sense of moving from darkness into light as one enters the relatively dark lobby to ascend the steps to the right and enter the nave. However, this darkness is problematic if the gloominess, invisibility, and inaccessibility of the church deter people from entering the church in the first place. So, whilst the intended theological contrasts and symbolism may have worked in the past, they are unlikely to be effective in the present; and their significance is likely to be lost on contemporary visitors, who can find this darkness uninviting and even intimidating. Furthermore, this darkness poses a serious safety hazard, especially when combined with the steps. Better lighting in the entrance porch will make it safer and more inviting and will also better display the architectural and artistic beauties within the narthex, such as the font and the original doors.

(4) Adjustments to the current doors – As outlined above, the current two sets of double wooden doors into the narthex are dark and heavy, with the inner ones being hazardous to open and close. However, the doors are significant to the history and the legacy of St John’s: whilst the inner doors are not dedicated, the outer ones are. As such, it is desired that they should remain visible. Therefore it is proposed that the inner doors should be permanently pinned back and the outer doors usually held open but kept fully operational for occasional use. In combination with the glass entrance porch, this will increase the light levels in the porch and the narthex and allow for visibility into the church before entry.

7. The first objective, of a single access point for all, by providing a disabled access via the main entrance, will be realised by the bi-parting automatic glass doors incorporated into the external glass porch and the ramp from the porch through the current electrical cupboard. The second objective, of improved visibility and presentation of the entrance and the narthex, will be realised by the light streaming through the external glass entrance porch, the provision of improved lighting in the narthex and the entrance area, and the holding back of the current wooden doors. Thus, the overall aim of improving community access will be achieved.

8. The Statement of Needs addresses the justification for the proposals. Pastorally, practically and in terms of mission, the church wishes to create a more inviting aspect and a safer entrance to St John’s, and to improve the inclusivity of all members of the church and community in special services and events. The proposed changes to the doors and the lighting will create a more inviting and well-lit area, illuminating what is within, which is consistent with the theology of welcome and light. The introduction of a ramp, to allow access to the church from the main entrance, will mean all comers are treated equally, and that they can all enter safely, and feel accepted and welcome, regardless of any mobility issues. St John’s is unquestionably part of the local community, open to all, and as such it must be accessible to all. Currently, however, the church suffers from a poor, unsafe and unwelcoming entrance yielding restrictive and discriminatory access. This is due to the heavy doors, the dark entrance, the steps, and a cramped entrance area.

9. The church wishes to improve the accessibility, openness, visibility and welcome of St John's both for its congregation and its community, thus ensuring that all feel welcomed and valued, whilst also fulfilling the church's legal and safety obligations. Practical, historical, pastoral, liturgical and theological perspectives are all important as the parish strive to achieve this goal, which they intend to accomplish through the installation of a ramp, improved lighting, repositioning of the current doors and a new external glass entrance porch. The principles driving the church's intentions to make these changes are the desire to serve God and our fellow human beings in a way that respects and honours the past, connects to the mission of the present, and gives everyone access to a brighter future.

The Statement of Significance

10. According to the Statement of Significance, all of the proposals will improve the visibility and access to the significant features of the interior of the church building so that everyone can come in and enjoy the beauty of the internal architecture and the tranquillity that the interior of the church provides. Indeed, the light emanating from the glass porch, and the improved lighting provision, will permit visitors to view the church ceiling and the font better. The proposed changes will not adversely impact upon the visibility of the altar, the acoustics, or any other inner architectural aspects of the church. Nor will they require the repositioning or removal of any significant historical, artistic, or archaeological features of interest.

11. The new ramp will require the relocation of the electrical cupboard: it is proposed to move the cupboard to the other side of the porch, which will have no adverse effect on church entry or storage capabilities. The new ramp will also necessitate changes to the southernmost side aisle, namely the introduction of a shallow incline up to the first pillar and also the installation of a handrail. Such changes will not significantly impact on processions, nor will they affect the ability to change the seating arrangements inside the church, which is required occasionally for events such as concerts. The handrail will not restrict any of the main walkways through the church, nor limit access to, or the viewing of, any part of the church. Indeed, this area of the church is not often utilised, being left empty most of the time, or simply displaying noticeboards which can easily be placed elsewhere without impacting upon church visibility.

12. The church have identified that the current inner and outer doors are significant to the history of the church and the congregation, with previous generations having raised money to build them, and with plaques adorning them to reflect this. As such, the fourth proposal has been included so that both sets of wooden doors will be left in situ, with the inner doors permanently pinned back, and the outer doors usually held open but kept fully operational for occasional use.

13. The external glass entrance porch will change the image of St John's from outside. This is the purpose of having the new glass entrance: it will make the church look more inviting and open. However, the design of the new entrance is such that it does not protrude far from the façade, and it follows the arches and the lines of the current church outline. Furthermore, being made of transparent glass, all the beautiful architecture and brickwork of the outside of the church will still be visible.

14. In conclusion, the Statement of Significance judges that the proposed changes will not adversely impact upon any significant features of historical, artistic, or archaeological interest at

St John's; on the contrary, they will actually enhance them through improved access and visibility.

The Heritage Impact Assessment

15. A Heritage Impact Assessment has been commissioned from the Oxford Heritage Partnership. The Executive Summary states that St John is a large basilica-form church that was erected by Stephen Dykes Bower between 1955 and 1957. It replaced an earlier church by William Butterfield in polychrome brick that was destroyed during the bombing of Newbury in 1943. Set amongst the low buildings and open spaces created by the bombing, the church is monumental in scale and muscular in character; and it is regarded as the best new ecclesiastical building by Dykes Bower. It is of high significance for its architectural, historical, and communal value.

16. At present disabled access to the building is poor, with no access for wheelchair users at the main entrance. Existing wheelchair access is either through the parish room, which is therefore not usable when there is a separate booking for that space, or via the heavy oak priest's door at the far east end of the building. The writers note that the architects, Acanthus Clews, have been commissioned to address this issue and they have proposed a minor regrading of the west end of the south ambulatory, the creation of a new doorway through the existing electrical cupboard, and the construction of a glass porch with automatic doors connecting to the existing south porch. Overall, the Oxford Heritage Partnership consider that these proposals will have a moderate impact on the church building, the highest impact on the building being the addition of the glass porch. However, this has been designed to be reversible, which goes some way towards mitigating its long term impact.

Planning

17. On 17 March 2021, the local planning authority granted planning permission under Application No 20/03031/FUL for the construction of a fully glazed porch with automatic doors on the southern elevation of the church at the western entrance.

18. The case officer's report states that the new porch would represent a modest addition to the site and would remain subservient to the main church. The fully glazed design would have a lightweight appearance and, whilst it would be visible from public viewpoints, it was not considered to dominate the southern elevation of the building, and it would have no adverse impact on the character of the surrounding area. The proposal had been considered by the council's conservation officer who has raised no objections to the new porch. The present application followed previous discussions and consultations with the council's conservation officer and the diocese in order to provide a scheme which would involve minimal intervention into the listed building. The application documents state that the porch works have been designed to be reversible.

19. The case officer's report notes that an objector to the scheme had raised concerns that this proposal would not be in keeping with the listed building, would adversely impact upon the architectural integrity of the building, and that there was no good reason for this development. However, the case officer notes that from the submitted information, it can be seen that the

application had been well considered prior to the submission of the application and that discussions had been undertaken with all the relevant parties in order to arrive at the scheme as presented. Moreover, the proposal is supported by the council's conservation officer.

20. The case officer's report concludes that he considers that the addition of a glazed porch to the southern elevation of the church will have an acceptable impact on the Grade II listed building, the character of the Newbury Conservation Area, and neighbouring properties and land uses. There are no issues of highway safety, and it is considered that the modest size and lightweight nature of the structure should ensure that there will be no issues of flooding from surface water. The council's archaeologist has confirmed that there are no archaeological implications of the proposals and the tree officer has raised no objections, subject to the inclusion of a planning condition to secure a scheme for the protection of neighbouring trees.

The PCC and the DAC

21. The proposals received the full support of the Parochial Church Council at its meeting (by Zoom) on 30 March 2021.

22. The Diocesan Advisory Committee recommended the proposals for approval by the court in principle at a meeting on 15 July 2019, subject to the sole condition that detailed design drawings were to be supplied to, and approved by, the DAC prior to any works commencing. The DAC advised that the proposals were likely to affect the character of the church as a building of special architectural or historic interest; and that, in their opinion, rule 9.9 of the Faculty Jurisdiction Rules (relating to publication of a notice on the diocesan website) applied. However, the DAC's Notification of Advice was not finally issued until 6 April 2021.

Public notices

23. The usual public notices were displayed between 26 May and 25 June 2021 (inclusive) on notice boards inside and outside the church building and on the church web-site. The petitioners say that the faculty application has also been well publicised in the church's weekly information sheet and has been mentioned in the notices during services. They also say that the person who objected to the planning application, and who had threatened to object to the faculty application, has attended church during the display period. In addition, the Diocesan Advisory Committee's Notification of Advice stated that, in their opinion, the works proposed were likely to affect the character of the church as a building of special architectural or historic interest, thereby triggering the requirement to display a further notice under rule 9.9 of the Faculty Jurisdiction Rules 2015 (as amended) on the diocesan website for a period of 21 days. This further notice was duly displayed and expired on 24 June 2021. No objection has been received to any of these public notices.

The applicable law

24. Since the church of St John the Evangelist, Newbury is a Grade II listed building, this faculty application fall to be addressed by reference to the series of questions identified by the

Court of Arches in the leading case of *Re St Alkmund, Duffield* [2013] Fam 158 at paragraph 87. These questions are:

- (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 not, have the petitioners shown a sufficiently good reason for change to overcome the ordinary presumption that in the absence of a good reason change should not be permitted?
- (3) If there would be harm to the significance of the church as a building of special architectural or historic interest, how serious would that harm be?
- (4) How clear and convincing is the justification for carrying out the proposals?
- (5) In the light of the 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?

25. Consistently with the Heritage Impact Assessment, the court considers that the impact of all of the proposals upon the significance of the church is either non-existent or low, with two exceptions. The first is the partial demolition of the east wall of the porch (the west wall of the ambulatory) to form a new doorway. It is not possible to mitigate this loss of historic fabric, consistently with the objectives that the proposals seek to achieve. However, this wall comprises a very minor, and unobtrusive, part of the church building. The second is the creation of the new glass porch with a ramped access from the churchyard. Although the impact of this change is moderate to high, this is the only way of providing draught-proof, disabled access through the main entrance. The only realistic alternative, of regrading the baptistery floor, would entail the loss of the original doors and would severely compromise Dykes Bower's intended liturgical function for this space. I am satisfied both that: (1) the petitioners have shown a clear and convincing justification for implementing all of these proposals, and (2) that the resulting public benefits, in terms of improving both community access to the church building and the visibility and presentation of the entrance and the narthex, far outweigh the resulting harm to the church building. Moreover, the addition of the glass porch has been designed to be reversible, which goes some way towards mitigating the long-term impact of the proposals.

Conclusion

26. For these reasons, the court will grant the faculty as asked subject to conditions that:

- (1) Detailed design drawings are to be supplied to, and approved by, the DAC (after further consultation with the Twentieth Century Society) prior to any works commencing. In the event of any disagreement, application may be made to the court.
- (2) No separate phase of the works is to be commenced without ensuring that there are sufficient funds available to complete it.
- (3) Before commencing any works, the petitioners must notify the church's insurers and comply with any requirements or recommendations they may impose or make.

(4) Before commencing any works, the petitioners' architects are to compile a detailed written and photographic record of any affected historic fabric and they are to deposit copies of this record in the church and local archives.

(5) The petitioners are to comply with the conditions in the planning permission granted on 17 March 2021 under Application No: 20/03031/FUL (subject to such variations as may be permitted by the local planning authority, with the approval of the DAC or, in the event of any dispute, as may be permitted by the court).

(6) The petitioners are to follow the DAC April 2018 guidelines on electrical installations.

Since the parish need to raise sufficient funds to undertake the works, the period allowed for the proposals to be implemented will be three (3) years from the date of the grant of the faculty.

27. I waive any fee for this written judgment.

David R. Hodge

The Worshipful Chancellor Hodge QC

Saturday 10 July 2021