

Re St Margaret, Old Catton

Judgment

1. This is the determination of a petition seeking a faculty for the undertaking of a re-ordering scheme within this Grade II* listed parish church. The scheme involves the removal of some Victorian pews, the provision of WC and kitchenette facilities, improved disabled access, the replacement of the porch doors and the provision of a movable nave altar and communion rails.
2. The Diocesan Advisory Committee has recommended the proposed works and English Heritage are also supportive of the scheme. The Church Buildings Council has been consulted, but defers to the advice of the DAC. The Victorian Society supports certain aspects of the scheme but objects to the removal of some of the pews and the clergy stall. The Society for the Protection of Ancient Buildings has indicated that it defers to the views of the Victorian Society in relation to alterations to the fabric and fittings of the 19th century but also expresses reservations about certain aspects of the scheme. There have been no objections received as a result of the public notices displayed.

Background

3. The church of St Margaret, Old Catton is located three and a half miles north of Norwich city centre. It is in a densely populated suburban area which manages to retain a sense of the village it once was, before being absorbed into the sprawling outskirts of Norwich itself. The church itself is medieval in origin with a tower dating from the 11th century, but has been substantially modified in the 19th century.
4. The church is densely pewed (it has been described as “over-pewed”). The inflexibility of the pews and the layout of the building generally means that a substantial proportion of the seating provides little or no view of the altar or even, in some cases, of the officiant in the clergy stall, which sits to the south side of the chancel arch. It is the desire of the PCC to create a more unified focus for worship in the church. This desire to ensure full participation by the whole congregation also requires better access for those in wheelchairs or with pushchairs.
5. The proposals include the provision of a movable nave altar in order that communion can be celebrated at a location substantially more visible to the congregation, to provide a greater sense of participation

and of being 'disciples gathered around the Lord's table'. This change requires the removal of a single row of pews from the front of the nave. During the period of discussions and consultation which have lead to this petition, concern was raised about the need for both a pew frontal for the nave pews and a communion rail for the proposed nave altar. To introduce both into the limited space in question would cause serious problems with the circulation of people around the nave altar and as such the petitioners have designed a piece of furniture which will serve both functions. They propose that the paneling from the clergy stall is preserved and used to create a piece of furniture which can be bolted into the floor in front of the nave pews for use as a pew frontal, and moved to be bolted into the floor for use also as a communion rail when needed.

6. It is proposed that the clergy stall, which sits at the foot of the pulpit, will be disposed of (apart from the paneling which is to be reused as described) as there is simply not enough room for that and the circulation of the congregation at a nave altar.
7. The PCC would also like to provide the sort of facilities expected by a modern congregation, such as a disabled toilet, kitchenette facilities and an area for welcoming visitors and providing fellowship and refreshments after services. The toilet is to be placed at the west end of the south aisle where the vestry is currently located. The kitchenette and welcome area is to be placed in the north west corner of the church. In addition, the PCC would like to clear the uncomfortable and cramped pews away from the south aisle in order to provide a flexible area for quiet prayer, children's work, displays and, when necessary, chairs for additional seating.
8. All pews and the clergy stall at the base of the fine pulpit are dark stained pine and date from the Victorian modifications. Efforts have been made to ascertain the provenance and significance of the pews and stall, both within the parish records and elsewhere, but little information has been discovered. What is clear is that the various blocks of pews are not of a unified scheme and many have been introduced late and altered or adjusted to fit their current surroundings.

The objections

9. Given their expressed reservations and objections, both the Victorian Society and SPAB were given the opportunity to become parties opponent in this petition. Neither society chose formally to object but each has asked that I take their written representations into account in determining this petition. I do so.
- 10.SPAB relies upon its letter dated 22 March 2010. The principal reservations relate to the removal of a block of pews from the north

aisle, a block of pews from the south aisle and two pews from the front of the nave. In relation to the nave pews, the concern appears to relate to the removal of those pews with ornate carved poppy heads. I note that only two plain ended pews are to be removed from the nave. SPAB also expresses some reservation about the layout of the kitchenette, suggesting that a mobile servery and a kitchenette enclosed in a cupboard would be preferable.

11. I note that SPAB defers to the views of the Victorian Society in matters relating to alterations to 19th century fittings. In its most recent letter of 5 November 2013, the Victorian Society confirms its acceptance of the installation of a disabled toilet and the removal of the single block of pews from the north aisle to make way for the kitchenette. Nevertheless, objections are maintained to three items, namely; the removal of the nave pew frontals and their replacement with frontals created from the clergy stall paneling; the removal of the block of pews from the south aisle which they surmise may be children's pews; and the removal of the clergy stall and its "mutilation" to create the new pew frontals/communion rails.
12. All other aspects of the proposed works are uncontested and I am content to grant a faculty in respect of those works, save that the introduction of a movable nave altar must be conditional upon the approval of the works to the nave pews and clergy stall. There simply would not be room for a nave altar unless these works can be undertaken.

The law

13. In its decision of *Re St Alkmund, Duffield* (1 October 2012) the Court of Arches set down a framework or guidelines for the determination of petitions such as this one. That framework took the form of a list of questions, namely:

- “ 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 readily, depending on the particular nature of the proposals (see *Peek v Trower* (1881) 7 PD 21, 26-8, and the review of the case-law by Chancellor Bursell QC in *In re St Mary's, White Waltham (No 2)* [2010] PTSR 1689 at para 11). Questions 3, 4 and 5 do not arise.
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 (see *St Luke, Maidstone* at p.8), 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 2*, where serious harm should only exceptionally be allowed.” (para 87 of the judgment).

The *Duffield* questions

14. In answering the first *Duffield* question, I note the Victorian Society’s concerns that there has been an inadequate assessment of the significance of the nave pew frontals, the clergy stall and the south aisle pews. It is suggested that the south aisle pews may be children’s pews, although I have seen no evidence to support this apart from their size. I am told that the petitioners have thoroughly searched the parish records for any information about the provenance of the pews in the church and have found nothing save for a pencil sketch relating to the design and pattern of the nave pews. Wider research has clearly also been undertaken as reference is made to papers in the Records Office which refer to works in relation to the north aisle pews. Despite the lack of available information, I am aware that the furniture in question has been the subject of repeated inspection and consultation by a number of experts in church architecture over a number of years. In particular, I note that English Heritage describe the pews as of “relatively unremarkable quality...individually” and as part of a “multi-phase and somewhat incoherent furnishing scheme”.
15. All parties in this matter seem to agree that this church has a very large number of pews for a church of this size. The petitioners talk of the church being “massively over-pewed” and even the Victorian Society talk of the “crowdedness” of the pews. Nevertheless, it is clear that the number of pews (which have been described as a “forest of...woodwork”) contributes significantly to the character of this church’s interior. The removal of a significant number of pews will affect this. Although the quality of the individual pews may not be high, I have come to the conclusion that the proposed works would result in harm to the significance of the church as a building of special architectural or historic interest.
16. Moving on to the third *Duffield* question, I do not think that the harm caused would be very serious. The evidence I have seen suggests that the individual quality of the pews to be removed is not high. Further, the majority of the pews in this church are to be retained, including all, save two plain-ended ones, of the central nave pews with their ornate poppy heads. Woodwork from the furniture to be removed will be used to ‘cloak’ the kitchenette and provide new pew frontals/communion rails at the front of the nave. All of this will go towards preserving the richness of the Victorian furnishing scheme.
17. In relation to the fourth *Duffield* question, I find that the petitioners have made out a clear and convincing justification for the proposed

works. The inflexibility of the existing cramped conditions is clearly impacting significantly upon the quality of worship in this church. They are seeking to improve the quality of worship and community outreach by the provision of these additional facilities. The toilet, kitchenette and disabled provision are accepted as appropriate by all. I am satisfied that all possible forms for the kitchenette have been considered and that that proposed reflects what is most appropriate in the circumstances. The improved focus for congregational worship and the provision of a modest flexible space for quiet prayer, children's work and display purposes will also undoubtedly significantly aid the role of this building as a local centre for worship and mission.

18. Finally, I must weigh up whether the public benefit which will result from the proposed works will outweigh the harm to the significance of the building. I have already indicated that I find that the harm which would be caused is limited. The south aisle pews, even if they are (as has been conjectured) children's pews, are extremely uncomfortable and almost never used. The nave pew frontals are to be stored with a view to their possible reuse within the church. Although they are said to be "handsome and finely carved", they are nevertheless not a pair. They differ in height, style, date and timber. The petitioners' decision to replace them with a matching pair fashioned from the four finely carved oak tracery panels which form part of the current clergy stall is a sensible one in all the circumstances. It also has the advantage of preserving in the church the finely carved parts of the clergy stall, which cannot remain if the nave altar is to be introduced.
19. In light of all of the above, I find that the limited harm which these proposals will cause to this church is clearly outweighed by the significant public benefit to be achieved. Accordingly I order that a faculty shall pass the seal in the terms sought, but subject to the conditions set out below:
 - a. No works shall be commenced until the petitioners have filed at the Registry written confirmation that appropriate insurance will be in place for the duration of the works;
 - b. No order shall be placed for the nave altar or the chairs for the south aisle until the details of those items of furniture have been agreed with the DAC;
 - c. The works shall be undertaken by contractors approved by the inspecting architect;
 - d. The electrical works shall be carried out by an NICEIC approved/ECA registered contractor;
 - e. The contractors shall be instructed to cease work immediately and notify the inspecting architect if any traces of wall paintings are discovered;

- f. The sheath of any new cabling shall be coloured to blend in with its background;
- g. There shall be archaeological monitoring of the excavation works for the drains and water supply;
- h. Any surplus soil shall be redeposited on consecrated ground;
- i. The works shall be undertaken under the direction of David Lemon and completed within 24 months or such extended time as may be allowed.

Ruth Arlow
Chancellor of the Diocese of Norwich

20 November 2013