

IN THE WORCESTER CONSISTORY COURT

ARCHDEACONRY OF WORCESTER:

PARISH OF PINVIN: CHURCH OF ST NICHOLAS:

FACULTY PETITION 07-83 RELATING TO PERMANENT RETENTION OF TEMPORARY REORDERING

JUDGMENT

1. This petition relates to the retention on a permanent basis of various works carried out to reorder this attractive medieval church. The petitioners are the incumbent and the churchwardens.

2. A faculty was initially granted for the carrying out of those works, following a judgment handed down in this court on 14th February 2002. That works thus authorised were as follows (moving from west to east):
 - (a) to create a new multi-purpose area at the west end, by constructing a range of perimeter seating from the pews currently in this area, with loose chairs introduced as necessary;
 - (b) to remove from the west end the pews not required for the reordering;
 - (c) to move the existing organ as far as possible into the north-east corner;
 - (d) to introduce a new heater at the main entrance door;
 - (e) to remodel the pulpit, so as to make it more useable;
 - (f) to alter the communion rail so as to enable it to be moved from its existing position to the chancel arch, and to remove the gates;
 - (g) to remove the choirstalls, and make good the floor of the chancel with natural stone paving; and
 - (h) to enable the existing altar table to be moved to suit the nature of the service or other activity taking place.

3. These works were all shown on drawing 1988/99/02B, prepared by the Church's architects, Stainburn Taylor. That drawing also referred to the remodelling of the main entrance door, although that did not form part of the proposals before me. And the petition also related to works to reorder the vestry, which I authorised and which have been carried out.

4. The works then proposed to the main church had been the subject of opposition by the Victorian Society and by a parishioner, Mrs Mansell. In my judgment, I first held that those works would affect the character of the church as a building of special architectural or historic interest. I then raised a number of detailed concerns. In particular, I expressed some sympathy for the views of the Victorian Society, even though ultimately I found in favour of the parish. I noted as follows [emphasis added]:
 - “31. As to the second question, I have already stated my view that these proposals are likely to affect the character of the church as a building of special architectural or historic interest. However, the DAC considered otherwise, after a careful examination of the plans and a site inspection. It seems to me that I can therefore assume that the DAC must have been of the view that any effect that the proposals might have had on the character of the building was not adverse. English Heritage and the local planning authority made no representations, and thus I assume that they too considered there was no adverse effect. The Victorian Society similarly, at least in relation to the west end and the vestry, raised no objection, or at any rate considered that any harm was outweighed by the need for the works.
 32. *The Victorian Society did however, as I have noted, raise concern as to the effect on the appearance of the church of the proposed works in the chancel and in particular as to the loss of the choirstalls. I understand and to some extent share that concern.* However, whilst the chancel furniture is of the same period as the nave pews, it is not of particularly special quality; and the appearance of the furniture in the church (as a totality) will in any event be substantially altered by the removal of the pews at the west end. In addition, the moving of the communion rail to the chancel arch will significantly alter the visual balance of the church, so that what happens beyond the rail will be of less significance. And it is of course intended to retain the priest's chair and desk; this too will mean that there is an element of continuity between the furnishings to either side of the rail. Finally, the retention of the choirstalls for a temporary period will ensure that they could be reinstated if it was felt, on reflection, that their removal had been a mistake in visual terms.
 33. The concern of Mrs Mansell as to the loss of floor tiles appears to be unfounded.
 34. I conclude on balance that the removal of the choirstalls and the other works to the chancel would affect the appearance of the church as a building of special architectural or historic interest, but that they would neither harm nor enhance it – their effect, in other words, is neutral.

35. *I am also concerned as to the visual consequences of removing the pews at the west end of the church. It seems to me that this may leave the remaining pews looking slightly isolated, between the new open spaces to the east and west of them. And I share the concern expressed both by the Victorian Society and by Mrs Mansell as to the visual effect of introducing new chairs to replace the pews. I consider that this part of the proposals is likely to have an adverse effect on the special character of the building; although the harm is not great – and I note that no objection has been raised by any of the specialist bodies consulted.*
36. The other aspects of the proposals – in particular the works in the vestry – have no effect on the character of the church as a building of special architectural or historic interest.
37. I therefore turn to the third question posed in paragraph 26 above [the balance between the need for the works and any adverse effect]. In relation to the works to the chancel, I have found that there is a need for the proposed works, and that their effect will be neutral. There is therefore no reason to withhold a faculty. As to the works to the west end, I have found that there is a need for these; and I consider that this will, on balance, outweigh the slight harm which I have found will arise. *I emphasise, however, that in both cases, I am influenced in reaching my decision by the fact that the choirstalls and pews are to be retained following removal.”*

5. It is clear from the passages I have emphasised that I was at the time aware of the possible harm that might be caused by the proposals. I accordingly concluded as follows:

- “41. I therefore consider in principle that a faculty should be granted in this case.
42. It will come as no surprise, however, in the light of my remarks above, that, insofar as it relates to the removal of the pews and the works to the chancel, I consider that the faculty should authorise the works only for a period of three years, and that the items removed from the church should meanwhile be retained in suitable storage. Before the conclusion of that period, a further petition should be sought for a faculty to retain on a permanent basis the new arrangements now authorised, subject of course to any amendments which may then seem desirable in the light of the experience gained. That petition should be notified to those who made representations in relation to the present proceedings.
43. The faculty should accordingly be subject to conditions as follows:
 - (1) that the works to the altar table, choirstalls, communion rails and other chancel furniture shall be carried out in such a manner as to enable each of those items to be readily restored to its present position and condition;
 - (2) that the works to the chancel and to the western half of the church are only authorised by this faculty for a period of three years;
 - (3) that all items of furniture or woodwork removed from the church as a result of these works are to be retained in secure, dry conditions, for the three-year period, during which at any reasonable time (and after reasonable notice has been given) they may be inspected by any member or representative of the DAC duly authorised in writing;
 - (4) that the details of
 - (a) the proposed drainage arrangements,

- (b) the treatment of the organ, and
- (c) the design of any chairs that are to be introduced into the church on a permanent basis

are approved by the DAC or, in default, by this court.”

6. The relevant details were approved, and the works duly carried out. I am not certain as to the precise date, but I understand that they were implemented in around 2002 or 2003. In accordance with the terms of the faculty, they would have therefore been authorised until 2005 or 2006.
7. A further faculty was granted in June 2006 authorising 20 chairs, and a shelf behind the altar table. The latter was to reduce the risk of an empty chancel, potentially created by moving the altar table forward.
8. In view of my observations in that earlier judgment, quoted above, it is unfortunate that some considerable time was allowed to pass from the expiry of the temporary faculty, before the parish sought authority to make the new arrangements permanent. However, I have approached the matter now with an open mind.
9. Those who were notified of the original petition were notified of the most recent one. English Heritage and the Society for the Protection of Ancient Buildings (SPAB) declined to comment; the Victorian Society reiterated its earlier concern, although it appears not to have revisited the building; and it did not formally object. Mrs Mansell did revisit the church, apparently for the first time since her original objection, but declined to take any further part in the proceedings.
10. As already noted, I held that the changes then proposed would affect the character of the church as a building of special architectural or historic interest. I see no reason now to question that conclusion. It follows that the issues raised by the Court of Arches in *St Lukes Maidstone* – quoted at paragraphs 22 and 23 of that earlier judgment, and sometimes referred to as the *Bishopsgate* questions – must be addressed in relation to

the present petition, to make permanent that which was previously only authorised on a temporary basis.

11. I note that those new arrangements seem to have provided the parish with what it was seeking by way of a more flexible layout, and indeed that the reactions from the regular congregation have been all positive. I am therefore satisfied that the necessity for the works has been proven.
12. As for the effect of the works on the character of the church, I have recently revisited it, to see for myself the results of the reordering. I am satisfied that, happily, my earlier concerns have not proved to be justified. It is true that there has been a space created in the chancel; however, the church is small, and the result is not unattractive. Further, the ingenious, albeit slightly unorthodox, expedient of fixing a shelf/table to the east wall has helped to avoid what might have been an uneasy gap beyond the altar table. And the alter table, newly exposed, creates an attractive focal point.
13. The overwhelming impression now is that the scheme has not gone far enough, in that there is still a great deal of non-matching free-standing furniture and other items that give the church a somewhat cluttered and unfinished appearance. It is also unfortunate that it has not proved possible to tuck the organ neatly into the recess at the western end of the north wall, as had been originally hoped. But the works themselves, as far as they have gone, have not harmed the character of the building – that is, they have undoubtedly affected that character, but that effect has not been harmful, simply a change.
14. Since the works are undoubtedly necessary, and their effect on the character of the building is neutral, the need to carry out the balancing exercise envisaged in *St Luke's* does not arise. However, even if it were to be considered that their effect was harmful, I am satisfied that the need for them outweighs any harm.

15. The pews and other items that have been retained until now can be disposed of, as they are not of any particular interest. I suggest, but do not require, that they should be offered first to parishioners, and to local schools and similar bodies; experience suggests that such an exercise might readily find a new home for them.

16. A faculty should accordingly issue.

CHARLES MYNORS

Chancellor

5th February 2008