

## In the matter of St Margaret's, Rottingdean

### Judgment

1. A petition is sought as follows:

To remove (temporarily) the pews in the south aisle to create space for post-service fellowship and missional/social activities, and to provide a temporary kitchenette pending approval of a future major development project to reorder the church interior and construct an extension.

Historic England and Brighton and Hove City Council raise no objection provided any permission is time limited. The Victorian Society has voiced some concerns, as has a private individual, but neither elected to become a party opponent. Much of their observations, however, are directed to possible works which may or may not become the subject of a future petition. The court cannot engage in conjecture about what may be further along the road, but can only determine the facts of the petition which has brought forward for determination.

#### **The church building**

2. St Margaret's, Rottingdean is a Grade II\* listed building. The listing statement reads as follows:

Anglican church. Norman nave, tower and chancel of c1200, south aisle of 1856 by Sir George Gilbert Scott, who carried out a restoration of the church as a whole at that date; choir and clergy vestries of 1973-4 by Denman and Son. Random flint with stone dressings, roof of tiles; the C19 work to the chancel, south aisle and west end marked by a tighter use of flint. EXTERIOR: the east end has 3 lancets of equal height, dating from 1856, with a common hoodmould and a blank quatrefoil above; the south wall of the chancel has one pointed-arched entrance with an elaborately moulded architrave and hoodmould of C19 date; one plain lancet to right of the entrance, and one lower lancet to the left with a trefoiled head, probably of C14 date; a C17 stone bracket survives between this window and the entrance; one plain lancet to north wall. The tower is of 3 stages and flanked to north and south by angle buttresses; plain lancet window, with 2 narrow bell openings above and one such narrow opening to east and to west; pyramidal roof. The south aisle has paired trefoiled lancets with common hoodmoulds to east and south sides and a single trefoiled lancet to the west, the latter of C14 date and resited by Scott; lean-to roof of lead. On the north side of the nave there are, from the tower, 2 pairs of lancets, then a single lancet, than another pair; between the second pair and the single lancet, a low opening, now blocked, with decayed dressed stonework, possibly deriving from the earlier Saxon church. The west end has a pointed-arched entrance with hollow- and wave-moulds and hoodmould with head-stops of St Margaret of Antioch and St Richard of Chichester; the west door has elaborate Gothic Revival decoration to the hinges; the west end flanked by 2 massive buttresses with one offset, of late C14 date, and an additional angle buttress to the south, of early C19 date; cross at apex of gable. Choir and clergy vestries of 2 storeys, square in plan, the principal part under a hipped roof and the upper part set back. Set into the west end of the south aisle are 2 stones, in memory of Sir Edward Burne-Jones and his wife Georgiana, who are buried there. INTERIOR: the interior has the peculiar feature that the level of the floor is raised by 3 steps from the nave to the 'crossing' under the tower, and then by 3 steps again to the chancel. The interior was plastered and the nave reroofed by Scott; features of earlier interest are the priest's doorway in the chancel with C13 mouldings; the crown post

roof to the chancel with arched braces and cambered tie beams, possibly of a date with the chancel; and the chancel arch and the arch to the crossing, which are triple chamfered; the nave arcade to the south is of 3 bays, the restored columns having Early English capitals and an inner order to the pointed arch. Gallery to west end with balustrade possibly of C18 date. Remains of Norman font kept at the west end of the south aisle, by a font of similar design dating from 1910. Behind the pulpit, a memorial tablet surmounted by a bust of Thomas Redman Hooker. Polished Purbeck marble slab tomb of Thomas Pelling in the chancel, 1732. Stained glass by Morris and Company: east window 1893; lancets either side of the chancel, Mary Virgin and St Margaret, 1894; lancets either side of the 'crossing' 1897; Ridsdale window in north side of nave 1902; Rowden window in north side of nave 1919; all the designs are by Burne-Jones except for the figures of Christ bearing the Cross and St George and the Dragon in the Rowden window, which are by JH Dearle. Chancel window in memory of Sir Wentworth Dilke, 1922 by Townshend.

### **The petitioners' case**

3. What the petitioners are now seeking is little more than what could be granted under an Archdeacon's Licence for Temporary Minor Reordering, which, following a recent change in the law, may now last for up to two years. As the incumbent, the Reverend Dr Anthony Moore, made clear in an email to the DAC secretary on 7 January 2021.

... the whole of this first phase is most definitely a temporary reordering.

- a. The pews will be kept in storage.
- b. The floor levelling will involve bringing the 'passage' up to the platform level from the font area and along the south wall, and providing a ramp... not removing the existing platform. At the east end it will meet the level of the existing (and unauthorised!) nave platform (with the glaring red carpet).
- c. The kitchenette will be a moveable unit which is not plumbed in. The future permanent plan will be to have a working kitchen built as part of the north-side extension.

Everything in this proposal is reversible. We would apply later for a Faculty for the full reordering and development work.

### **Diocesan Advisory Committee**

4. The DAC recommended the proposals in a Notification of Advice dated 17 May 2021.

### **The Victorian Society**

5. The Victorian Society made various observations in its undated email. It emphasised that St Margaret's is a building of very high significance, incorporating fabric from all periods, not least the nineteenth century. It records that St Margaret's was restored by Scott, one of the most important architects of the nineteenth century. It notes that the existing benches were not installed by Scott, but they make a positive contribution to the interior of the church, lending harmony, order and atmosphere.
6. The Society understands the parish's desire to provide space and facilities for socialising within the church, and states that 'the proposals to install a kitchen and the reversible alterations to panelling are acceptable'. However, the alterations to historic seating and the floor raise greater concerns. It recognises that if the benches are removed a level floor is required, issues with damp should be given due consideration. It comments that carpet is recognised as being unsuitable in historic churches, and urges the parish to explore more sensitive floor coverings such as a coir or sisal matting.

7. As the proposals are temporary, the Society did not wish to oppose the works formally. However, it commended that if a faculty were granted, then an expiry date be given and that the removed benches are stored appropriately so that they can be reinstated upon the expiry of the faculty.

### **Local Planning Authority**

8. Brighton and Hove City Council confirmed in an email that it had no objection to the proposed works. However, given their temporary nature, it recommended that the re-ordering be time-limited to a period long enough to enable a permanent scheme to be approved and implemented.

### **Historic England**

9. In a letter of 27 April 2021, Historic England stated its position as follows:

Historic England has no objection to the proposed works given their temporary nature. We are supportive of the parish seeking to develop and trial new facilities in this way before embarking on their new development project involving a new extension on the north side. We would not however support the re-ordering works to the south aisle remaining in this arrangement for any longer period than is necessary. We recommend that the reordering is time-limited to a period this is sufficient to enable a permanent scheme to be approved and implemented.

### **Individual objections**

10. A letter of objection dated 9 June 2021 was received from the Reverend Duncan Lloyd-James, who is a regular correspondent with the registry on faculty matters within the diocese. His principal objection is to the sale of a residential property belonging to the parish, where he had himself lived during his curacy there. However, this matter forms no part of the current petition and Mr Lloyd-James' observations are irrelevant at this stage.
11. As to the current proposal, Mr Lloyd-James maintains:

If this faculty is granted, the very special and holy atmosphere of St. Margaret's will be wholly compromised. Seating space often needed for services will be reduced, and if tables and chairs are introduced that get moved around as needed it is inevitable things will often be left untidy.

What about when an individual turns up at the Church to pray, meanwhile some social activity is taking place in the South Aisle?

12. In a thoughtful response to Mr Lloyd-James' letter of objection, the petitioners emphasise the advantages of using the south aisle for social gatherings, in preference to the more restricted interior of the cottage, especially where in an age of pandemic, people are more aware of the need for physical distancing.

### **Assessment – the Duffield framework**

13. The *Duffield* framework is relatively straightforward to apply in this case.

#### *Harm*

14. This is a modest, temporary reordering which is wholly reversible. There will be minimal, if any, harm to the significance of St Margaret's as a building of special architectural or historic interest.

*Justification*

15. The petitioners' justification for this short-term expedient is clear, well-documented and uncontroversial.

*Balancing exercise*

16. The benefit will undoubtedly outweigh the trivial harm.

**Disposal**

17. Whilst undoubtedly a faculty should pass the seal, because it is of a temporary nature, it will be subject to certain clear and strict conditions.
  - (1) The faculty will be time-limited and will expire two years after the date it is issued.
  - (2) Immediately prior to the expiration of this faculty the church is to be returned to its current state.
  - (3) The parish is to lodge a petition for long-term proposals in respect of the church within 24 months.
  - (4) In the event that such a petition is lodged, the works authorised by the current faculty may remain until the determination of that petition and any further order of this court. In such circumstances, condition (2) above shall be of no effect.
  - (5) Works are not to commence until details of the ventilation for the timber raised floor have been approved in writing by the Court, following consultation with the DAC.
  - (6) Works are not to commence until details of the proposed floor covering have been approved in writing by the Court, following consultation with the DAC. The petitioners are strongly encouraged to consider coir or sisal matting in preference to carpet.
  - (7) The pews are to be stored in a dry and secure environment to the satisfaction of the Archdeacon.
  - (8) Appropriate ventilation is to be introduced into the temporary flooring following the advice of the DAC.
  - (9) The works are to be carried out under the direction of Mr John Bailey, the parish's inspecting architect.

**Postscript**

18. I note with concern that there appears to be a damp problem in the nave floor caused, in part at least, by the presence of a carpeted nave platform which has been in the church for some eight years and for which faculty permission was not obtained. I import no blame on the part of the current petitioners, but I make it clear that this problem needs to be definitively addressed and resolved in such future proposals as are brought before the court.