

Neutral Citation Number: [2019] ECC StA 1

IN THE CONSISTORY COURT OF THE DIOCESE OF ST ALBANS

IN THE MATTER OF: ST JOHN THE BAPTIST, ROYSTON

PETITION NUMBER 763

5 August 2019

Introduction

1. On Sunday 9 December 2018 a serious fire broke out in the tower of the grade 1 listed church St. John the Baptist in Royston. The devastating effects of this fire have meant that the church tower has been almost gutted above the ringing floor level and the flames have charred the entire length of the nave roof. The aisles and chancel were spared by the efforts of the Fire Brigade but the whole ground level has been affected by falling debris, water and smoke damage.
2. The present petition for faculty (dated 24 June 2019) (the “Petition”) is one of a series anticipated during the restoration process. The petitioners (The Revd Heidi Anne Huntley, Mr Nicholas John Hindle and Mr Robert Fox) (the “Petitioners”) seek to turn the aftermath of the fire into a positive opportunity to reorder the church to meet the future needs of the parish.
3. It is in this context that I am asked by the Petitioners to consider removing all pews (the “Pews”) from the church and replacing them with chairs. The Pews are already the subject of an interim faculty (the “Interim Faculty”), granted in the wake of the fire. The Interim Faculty permitted the Pews to be removed with care and retained safely in the chancel until disposal or reinstatement. The underlying pew platforms are in very poor condition following the fire and movement of the floor due to water damage (indeed some of the Pews themselves have suffered some damage from water, smoke and falling debris) and have been removed and disposed of.
4. The schedule of proposed works set out in the Petition is as follows:

“(1) The permanent removal of the pew platforms and creation of a new level floor in the nave and aisles; and (2) The permanent removal and disposal of the 19th century pews in the nave and aisles. Notes: (i) An Interim Faculty was issued on 8 March 2019 for (among other enabling works following the fire) the removal of pews to allow for investigation and repair of flooring and to allow for clearance and enabling works to proceed as soon as possible; (ii) the current petition does not include details of the new floor construction and finish or of the new seating, which will be the subject of a separate faculty petition.”

5. The same specification of the proposed works appeared in the Form 4A public notice that was on display from 21 May 2019 to 21 June 2019.

Background

6. St. John the Baptist is a post-Reformation adaptation of a 12th century Augustinian Priory, with 13th century nave and aisles, a 16th century west tower and nave roof. It was substantially rebuilt and restored in the 19th century when the present chancel was added. The church contains a number of carved stone and wooden features dating from the 15th Century. As for the Pews, these date from 1872 when, pursuant to a faculty granted at that time, 17th century box pews were removed and replaced with “new low oak benches”. Parts of the 17th century box pews were retained and used (ultimately) to line the walls of the ringing chamber (I am pleased to note that they have survived the fire).
7. As the only Anglican church in Royston, St. John the Baptist is central to the town, both geographically and as part of the local community. Royston is a market town close to Cambridge and Baldock, surrounded by a number of villages, all of which look to Royston as a social centre. Royston is itself growing by the addition of several new housing estates. As well as services, the church hosts a number of other events throughout the year as considered in more detail below, and does so in the body of the church, there being no church hall in which to host activities and events.

Responses to consultation

8. I directed special citation of Historic England, the Church Buildings Council, the Diocesan Archaeological Adviser, the Local Conservation Officer and the Victorian Society on 20 May 2019. Responses following this and display of public notices have been as follows:

8.1. No objection or any other comments were received in response to the public notices;

8.2. The Victorian Society objects to the proposals. However it does not wish to become a party to the Petition. In summary the objections are:

- a) The Pews represent an important component of a thoughtful and sensitively developed furnishing scheme that has, amongst other things, reused fragments of tracery from a medieval screen, incorporated elements saved from earlier 17th century box pews into the ringing chamber, etc. The Pews are therefore part of a “*consistent furnishing scheme entirely appropriate to the building, its interior and its history...*”;
- b) Disposing of the Pews and replacing them with chairs would create a cluttered interior, detracting from appreciation of the architectural interest of the building;
- c) Pews are likely to have been integral to the church’s interior for several hundred years;
- d) Criticism of inadequacies in the content of the petition, including an absence of detailed proposals for replacement chairs and inadequately articulated need for the proposed wholesale replacement of the Pews;

8.3. In response to the foregoing the PCC amended its Statement of Needs and wrote a further email containing explanation of its position dated Friday 21 June 2019;

8.4. The Church Buildings Council (the “CBC”) was consulted and indicated that it had no objection to the proposals. The CBC made some helpful recommendations as to the nature of any replacement flooring and chairs;

- 8.5. Historic England (“HE”) has considered the proposals and attended a site visit to the church in December 2018 shortly after the fire. HE has made no comment;
- 8.6. David Baker, the Diocesan Architectural Advisor (the “DAA”) has been consulted and made some valuable recommendations about obtaining a specialist assessment of the significance of the Pews from a woodwork specialist;
- 8.7. The Senior Conservation Officer of North Hertfordshire District Council considered the proposals and has raised no objection;
- 8.8. An informal survey of the church’s congregation has been carried out which revealed that 84% of those responding were in favour of the permanent disposal of the Pews and replacement of them with chairs;
- 8.9. The DAC has engaged in detailed and ongoing dialogue with the PCC following the fire, including site visits. The DAC recommended the proposals for approval by the Court on 17 May 2019. In light of the Victorian Society’s objections and the subsequent amendment of the Statement of Needs and further correspondence from the PCC, I asked the DAC to revisit its position. The DAC did so on 11 July 2019 and has confirmed its earlier advice.

Analysis

9. The proposals in the Petition have been considered by expert individuals and organisations and have, with the exception of the Victorian Society’s objection, attracted no criticism and indeed have attracted some support, in particular from the church’s congregation and from the DAC.
10. The Victorian Society raises a number of important objections which fall to be considered in the context of the tests in *Re St Alkmund, Duffield* [2013] Fam 158.
11. In the words of the DAA, the Pews were a “...*dominant feature in the appearance of the pre-fire church*”. The CBC also noted that “...*the pews contributed to the quality of the space in the church...*” and the Victorian Society comments that “...*pews have been integral to this building for several hundred years...*” and that replacement of them with

chairs would detract from appreciation of the building by rendering the interior more cluttered in appearance. I consider the extent of the Pews' relevance to the church's significance further below, but for the purposes of the initial question as to the impact that wholesale disposal of the Pews and replacement with chairs would have, I find that the Pews contributed notably to the pre-fire appearance of the church. In this context, and in the context of the Grade 1 listing of the church, the proposals will, therefore, result in harm to the significance of the church as a building of architectural and historic interest.

12. In terms of how serious that harm would be, a hindrance in my ability to assess this objectively is the lack of an authoritative assessment as to the Pews' significance from a woodwork specialist as was suggested by the DAA, and it is disappointing that I have not been able to refer to what would have been a valuable resource. Instead I have the PCC's subjective characterisation of the Pews as of "*low to moderate significance*", which does not appear to be a characterisation based on any particular criteria, and which the Victorian Society criticises on this basis.
13. However, there are several factors which tend to support the PCC's assessment of significance. For example, in spite of some doubt as to the exact provenance of the Pews suggested by the Victorian Society, there nonetheless appears ultimately to be consensus around attribution to a local architect, Edward Nash (described by the Victorian Society as "*...a competent restorer of historic buildings...*"), and a builder, Luke Grimson, operating in the Royston area at the relevant time. It is nowhere suggested that these particular designers and manufacturers mean that the Pews themselves are of especial note. Nor is it suggested that the Pews are otherwise exceptional in appearance or any other feature or quality. There is nothing to gainsay the PCC's assessment of the introduction of the Pews in the 19th Century as simply being a "*functional*" step and indeed what is known of the Pews and their provenance tends to support that assessment.
14. Furthermore, although the core of the 19th century scheme incorporating the Pews remained until the fire in December 2018, the full scheme had already been significantly reduced by removal and disposal of pews over time. All of the pews in the gallery were lost when it was removed in 1952; in subsequent years c. 40% of the remaining pews were disposed of from various locations in the aisles and nave, leaving only the current core of Pews. The fact that the original 19th century scheme has been attenuated in this

way over time, together with the apparently functional nature of the scheme installed by a “*competent*” local architect and builder of no historical significance, negates arguments that the current scheme is a major factor in the significance of the building. Any suggestion that might be advanced that a pewed scheme is the only type of seating appropriate to the church, its interior or history (which I perceive as being the point underlying the objection on the grounds that the church has been pewed for several centuries) is unsupported. The evidence points, in my judgement, to the contrary and supports instead the view that the interior of this church has repeatedly sought to reflect its circumstances in a practical and appropriate way as time has moved on, rather than being wedded to any particular scheme of seating.

15. It is also important to note that the assessment of the scale of harm is to be carried out in the context of the church as a whole, not merely in terms of the impact of the removal of the Pews on the part of the church directly affected. The church itself, although built upon a very ancient site and retaining original aspects of historical importance, has been altered many times in the course of its history and was substantially rebuilt and restored in the 19th century. I also note that there are already individual wooden chairs in the south aisle chapel and that the choir stalls are of modern design. In this context, replacement of 19th century pews with modern and appropriate chairs (the design of which will be the subject of a separate faculty) would in fact potentially allow for greater visual cohesion in the evolving seating arrangements throughout the church than presently exists, thereby enhancing the aesthetic appeal and architectural interest of the interior of the church. There is no reason per se why chairs instead of pews should give a cluttered appearance, provided that the design of the chairs is appropriate (and that will be a matter to be determined by future petition).
16. In these circumstances, I take the view that the significance of the church is not substantially derived from the existence or layout of the Pews and that removal of the Pews and replacement with chairs will not diminish its significance beyond a minimal degree.

17. In terms of the church's need for the proposed changes and the benefits it is said they will bring, several specific justifications are advanced in support of the removal of the Pews. In summary, the Petitioners explain that:

17.1. There are a number of problems with the design of the Pews, a particularly serious one being the fact that their fixture to raised timber platforms inhibits accessibility and poses a trip hazard;

17.2. The raised platforms also mean that the Pews are not built on solid flooring and the arrangement precludes the installation of underfloor heating;

17.3. There is no church hall in which events can be held. Instead any events the church seeks to host must be arranged in the body of the church itself;

17.4. A number of church and community events held in the church are constrained by the inflexibility of the present arrangement. In particular: an annual quiz attended by around 120 people and a harvest festival supper serving hot food to 50 people, both of which require tables and chairs to be brought into the church and which are consequently affected by the Pews; an annual book fair held over the May Bank Holiday weekend which is currently difficult to organise and display around the Pews; ad hoc local exhibits such as a recent World War 1 commemoration. If the Pews were to be replaced by chairs these events would be facilitated. There are also other events where it is not suggested that the Pews inhibit the activities but it is instead said that replacement with chairs would enhance the flexible use of the space for these activities: besides regular church services there are baptisms, weddings and funerals as well as community uses such as concerts by the local choral society, monthly U3A meetings etc. Finally there are plans for future mission-based uses to which the church has not yet been put but which would be opened up as possibilities by the replacement of the Pews, in particular a soup kitchen and holiday lunches for local school children dependent on free-school meals are cited by the Petitioners.

18. It is said by the Victorian Society that there has been a failure on the part of the Petitioners to sufficiently evidence the above needs and uses, and that a space and activities audit ought to have been produced. Although I agree that it would have been more usual, and undoubtedly more helpful, to see such analysis accompanying a petition of this type, I reject the criticism in this particular case. This Petition must be considered in the context of the unusual circumstances of the fire and all of the needs, opportunities, constraints and timing issues that have followed it. The application to make a wholesale change to the seating in the church has arisen from the opportunity the fire has created to look carefully at the uses and suitability of the arrangements in the pre-fire church and to capitalise on the fact that the Pews and their platforms have already been removed and stored, allowing the space to be reviewed critically in their absence. As the CBC noted in its response, the fire is being used as an opportunity to produce a “...*masterplan, to inform future reordering of the building*”, of which the creation of a flexible space in the nave is a first step and in respect of which much planning is taking place at the present time. Much of the information which the Victorian Society says ought to have been included in a space and activities audit has in fact subsequently been provided (by means of an email from the PCC responding to the Victorian Society and via amendment of the Statement of Needs), or is indicated with sufficient clarity to allow for understanding (for example the location, frequency and type of events the church is presently used for). It is also the case that other ongoing planning aspects turn on the outcome of this Petition. In these circumstances it would be otiose to impose a further delay simply to shore up with greater precision relatively minor points that such an audit might indicate in circumstances where the Statement of Needs sufficiently indicates the uses to which the space is required to be put.

19. The Victorian Society also, quite rightly, raised the fact that alternative options should be considered before reaching the final conclusion that the full disposal of the Pews is necessary. For example, some space might be unlocked by removal of some pews but not all, or by relocation of some pews. Various options for retaining some of the Pews were considered by the PCC. However the reinstatement of timber platforms upon which to fix the Pews, and the possibility of having to affix the platforms to the floor to provide for stability, would reintroduce tripping and accessibility issues and run contrary to the need to provide equal access for all, where the church should be leading by example. It would also preclude the possibility of introducing underfloor heating in those areas where the

Pews were to be retained and would also compromise the flexible use of space in those areas. For these reasons, any form of “halfway house” was rejected by the PCC in favour of the bolder scheme of disposal of all of the Pews, and I agree with the reasoning that has been engaged on this aspect of the Petition.

20. In light of the matters I have considered above, I find that the needs of the church, and the benefits to it of the proposals, are as indicated in the Amended Statement of Needs. Of particular significance are the great improvement in accessibility, the removal of safety hazards and the benefit to the church’s religious and community functions of opening up the space in the church (in the absence of any alternative space in a church hall) to allow for, or to enhance creatively, the activities identified. Weighing these needs and benefits against the harm that would be caused, I find that the benefits significantly outweigh what I have assessed as minor harm to the church’s significance and its aesthetic and architectural qualities by the proposals in the Petition.

Decision

21. In these circumstances, I am satisfied that a faculty should be granted.

22. By reason of significant movements to the levels of the floor and water damage leading to very poor condition following the fire, the pew platforms have already been removed and disposed of. This ought to have waited for the outcome of my consideration of the petition as treatment of the pew platforms themselves is specifically identified in the schedule of works for which permission is sought. However given the levels of damage and the urgency of the clean-up operation, combined with the works involved in removal of the Pews to the chancel, I understand the reasons why they have already been disposed of in the exceptional circumstances of this case. In these circumstances, for completeness I should add that I grant a confirmatory faculty in respect of the permanent removal of the pew platforms.

23. I note the points raised by the CBC as to possible conditions relating to the future design of chairs and flooring. A note to the proposals contained in the petition expressly states that these matters are to be the subject of a separate faculty petition. In preparing for such

future petition the CBC's notes should be borne in mind, along with the Victorian Society's observations as to the design and construction of any replacement seating. I would expect to see, in any future petition regarding flooring and seating, that these matters have been carefully considered and that there has been close consultation with the DAC in design development.

24. I am grateful to all of those mentioned in this Judgment who have provided helpful and proportionate input into this matter, not only the consultees and statutory organisations but also the DAC and the DAA for their careful reviews of the issues.
25. There being no Party Opponent, the costs are to be borne by the Petitioners.

LYNDSEY DE MESTRE QC

5 August 2019