

IN THE CONSISTORY COURT OF THE DIOCESE OF ROCHESTER

Re: SOUTHFLEET: ST NICHOLAS

J U D G M E N T

1. By a petition dated 26<sup>th</sup> April 2018 the petitioners, Mr Michael Breton and Ms Joanna Barber, churchwardens, applied for a faculty authorising the introduction of an insulated ceiling in the vestry of St Nicholas Church, Southfleet, Kent. Originally, the works sought to be carried out comprised the removal of existing cast iron radiators and pipework, and the introduction of six convector heaters to be enclosed in stained timber, in addition to the introduction of the insulated ceiling in the vestry.
2. The works relating to the removal of the old radiators and introduction of convector heaters were not controversial, with the result that a faculty was issued in respect of them on 9<sup>th</sup> July 2018. Accordingly, I am no longer concerned with those works. However, different considerations have applied to the proposed introduction of the insulated ceiling in the vestry.
3. The PCC, at a meeting on 17<sup>th</sup> March 2019, unanimously approved the proposals in respect of the insulated ceiling. At an earlier meeting on 6<sup>th</sup> December 2017, the PCC had unanimously approved the proposals for the heaters and the ceiling. There have been no objections arising as a result of the Public Notices displayed as required by **Part 6 Faculty Jurisdiction Rules 2015**. Thus, no problems have arisen in or from those quarters.
4. The DAC at a meeting on 11<sup>th</sup> April 2018, whilst approving the works involving the radiators etc, did not recommend the proposal for the introduction of an insulated ceiling in the vestry for the following reasons;
  - (1) Members were not convinced of the need for the works, commenting that the vestry space was not a large one to heat;

- (2) They took the view that the proposed ceiling would hide the timbers of the roof structure which although not medieval, are substantial looking timbers with pegged joints;

There were also a number of queries raised about the technical details provided.

5. In considering the application again on 26<sup>th</sup> July 2018, the DAC was satisfied with the PCC's responses to its earlier technical queries but did not recommend the proposals for the two reasons above and added:

- (3) 'the proposed ceiling may make the room feel "claustrophobic" for those using it.'

It would appear from the language used that the DAC were not unanimous in their views, and I am bound to say that the "concerns" lacked detail.

6. At their meeting on 17<sup>th</sup> March 2019 the PCC put forward more details relating to their needs, as follows;

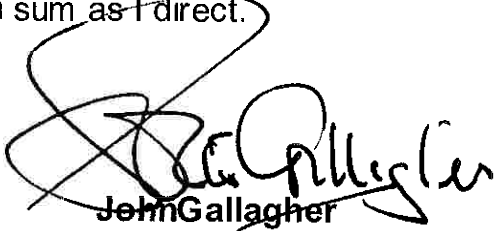
"(The Revd Young's) main office where he would have his desk, keep his papers in filing cabinets, the photo-copier etc would be the vestry. This room is always kept locked and is not accessible to members of the congregation or public as it contains the safe and our church silverware and other altar and communion ware. The area at the back of the church would not be a suitable for the office equipment as it is in a public area and could not be secured.

The room currently has one small heater which we would retain but the high ceiling and lack of insulation means that the heat is rapidly lost upwards and it is very difficult to maintain a pleasant working temperature in the room. The low temperature also adversely affects the efficient running of the photo-copier which is a new addition to our resources and which is located in the vestry.

We would retain the radiator in the vestry but in order to make this room habitable we wish to install an insulated false ceiling, which would not be permanently fixed to the roof structure, with no damage to the ancient fabric of the building and is completely reversible. This room is kept locked but for others interested we will display the attached photograph outside the entrance to the vestry."

7. Because of a misunderstanding on the part of the petitioners, works were commenced without a faculty. As a result, I made an Order and issued Directions on 23<sup>rd</sup> April 2019, requiring that any unauthorised works be forthwith stopped and not recommenced save under faculty. My Order has been complied with. I am satisfied that the misunderstanding was genuine and innocent, and that it requires no further action to be taken on my part.
8. The letter from Mr Breton dated 1<sup>st</sup> April 2019 emphasises that the vestry, at the moment, is "dark and very cold" to work in. I accept this evidence. I further accept the account given by the PCC, and which I have set out at Paragraph 6 above.
9. Interestingly, I note that that the DAC specifically found that the proposed works would not be likely to affect the character of the church building as a building of special architectural or historic interest, or the archaeological importance of the church. Moreover, there was no recommendation to consult any of the amenity bodies or societies.
10. By my Directions Order of 23<sup>rd</sup> April 2019, I indicated that I would be prepared to deal with the petition on written submissions provided that all concerned parties agreed in writing to this course being adopted. The appropriate consents have been forthcoming. Having reconsidered the matter, I am of the view that it is expedient and appropriate for me to deal with the petition on written submissions.
11. I have no doubt at all that the works are required and are appropriate. The petitioners have clearly made out their case on need. There is no evidence or suggestion that any, or any significant harm will be caused by what is proposed I am further fortified in what I have said by the fact that the proposed works are in fact superficial in nature, do not involve anything being permanently fixed to the roof structure, will cause no damage to the structure of the building, and are reversible. For good measure, the works being done to the vestry, will not be seen by the general public. For the avoidance of doubt, I do not consider the **Duffield** principles to be engaged.
12. I am also satisfied, as must be clear from what I have set out above that the proposed works, if permitted, will make the vestry a much more practicable, warm and pleasant place for the Priest-in-Charge to work in.

13. Finally, the works will be ecologically friendly, in that power and the costs of such will be reduced with the new ceiling, in effect, providing insulation, and preventing warmth from rising up to the roof.
14. Thus, for the reasons given above I accept the arguments of the petitioners. I am satisfied that the proposed works are desirable and are appropriate. In the premises, I direct that faculty issue. In saying this, I understand and do not seek to criticize the reservations of the DAC. However, the petitioners have made out their case.
15. I do not consider that any particular condition needs to be attached to the faculty.
16. The petitioners must pay the Registry and Court costs of, and incidental to the petition, in the normal way. There shall be a correspondence fee to the Registrar in a sum as I direct.

  
John Gallagher  
Chancellor  
26<sup>th</sup> May 2019