

**IN THE CONSISTORY COURT**  
**of the DIOCESE OF LIVERPOOL**

IN THE MATTER OF ST MARGARET OF ANTIOCH

AND IN THE MATTER OF AN APPLICATION FOR A FACULTY FOR INTERNAL RE-ORDERING

**JUDGMENT**

**Introduction**

1. I am concerned with an application for a faculty in relation to works of internal reordering in the church of St Margaret's of Antioch in Toxteth. This is a grade II\* listed church at the edge of the city centre, which enjoys a prominent position in the community, and has a small but growing congregation in the Anglo-Catholic tradition, and which engages in a number of respects with community activity and action under the present leadership. The petitioners for the main part seek to undertake some internal works to create toilets (including disabled), a kitchen area and a small vestry and office, having lost such facilities in recent years by the sale of the adjacent vicarage for residential development.

2. The original scheme (as included in the petition) has been modified to exclude a particularly controversial aspect, namely the construction of an external porch with glazed panelling over the main entrance, as it faces onto Princes Road. It was clear that at the time that the petition was lodged, and consultation of the various amenity societies undertaken, this particular aspect will be the subject of the fiercest objection considered out of keeping with the exterior façade and generally jarring in appearance. However, the Victorian Society, the principal objector, also took issue with the internal structure, and in particular the shape of the reordered vestry, whilst accepting in principle the need for further internal space because of the loss of the adjacent vicarage.

3. Although I had previously visited St Margaret's for the purposes of an earlier petition in relation to pew removal, I considered it appropriate to visit once again at the end of August to understand the new proposed layout. This afforded an opportunity not only to understand the visual impact contended for by the Victorian Society, but also to discuss with representatives of the petitioners, including Canon Lewis, the external porch. It became quickly apparent that not only was this unlikely to be affordable from available funds, but also that it was considered a gloss on the main purpose of the scheme pursued by the architects which was neither greatly desired nor needed. In such circumstances the petitioners were asked to reflect on this aspect, and in particular how they would satisfy issues of benefit and need, when considering the architectural harm which such a structure was likely to cause in terms of visual impact. Sensibly, after a period of reflection, it was indicated that this aspect would be abandoned, and the petition would be pursued on the basis of the internal works only.

4. In the meantime, the Victorian Society was asked (a) whether they wish to become a party opponent, and (b) whether they wish to submit any further evidence/comments. It was indicated that the Society was happy for me to determine this matter on the basis of written representations without formal opposition, and an additional email was forwarded to the Registry. I shall refer to it below. The petitioners supplied some additional comments from their architect in response.

### **The church and its significance**

5. I provided a judgment in this matter in July 2019 in relation to the removal of pews from the interior in what was a largely uncontested petition. I repeat the description of this magnificent church building provided on that occasion:

“St Margaret's is an impressive and imposing church with a richly painted interior, designed by the Victorian church architect, GE Street, and financed by a famous and wealthy local family responsible for many churches, the Horsfalls, in an Anglo-Catholic tradition. It has marble columns supporting arches, and large sections of decorative tiled panelling and mosaic features to the walls, with an expansive tiled floor.”

6. Undoubtedly the painted walls, effectively murals, which depict the stations of the cross, and some of which have been refurbished, are the centrepiece of interest within the internal space, although the colour palette for many aspects of the structure, including the marble

columns and arches as well as the roof panels is broad and vivid reflecting the bright and uplifting mood of the interior. There are a number of other internal features of interest, including a wooden reredos behind the altar, several memorial windows, an original, but non-functioning two manual Willis pipe organ with decorated organ pipes, and a splendid stone pulpit on the north side with gilded wood and decorated with the busts of five saints.

7. On entering the church, and before approaching the nave is the ante-space which leads into the smaller Jesus chapel which when constructed in 1926 was open to the main body of the church, but subsequently enclosed within the two arches on the north side, adjacent to the organ, and behind the pulpit. These arches can be seen in the photograph in the photograph provided at paragraph 9 below. They are significant in this determination.

#### **The need for the re-ordering and the nature of the works**

8. As I have indicated above, with the loss of the vicarage, where the toilets and kitchen facilities have been located, the ante-space which was previously used as a vestry either for the main church, or the Jesus chapel where worship had at some time taken place when the congregation was much smaller, is now required for the construction of a small kitchen area, and toilets, to include a disabled toilet. This aspect is not controversial, and it is clear that with the greater community use to which St Margaret's is put, that is with local societies and organisations regularly meeting, as well as the outreach including the food bank provision, such facilities are essential. The question then arises as to where and how the clergy and the church administrators will have their vestry and small office space, and it is a question which has been addressed by the architect who was suggested building out from the Jesus Chapel into the main body of the church. The plans indicate that this will be a small space with two rooms set within a curved pod-like structure which will extend out approximately at its apex to three quarters of the width of the floor between the existing wall within the nave and the edge of the chancel. It will not extend as far as the pulpit, although there will no longer be a direct line of sight with the redundant organ along the north wall. The plans are detailed and the specification suggests that the works are temporary and reversible.

9. The petitioners contends that without such a newly created space the Jesus Chapel could not be used as a separate area of worship or meeting for community use, because it would have to double up as a vestry/administrative office. This does not appear to be in dispute.



Fig 1 depicting general area to the northside with wall between columns (behind pulpit) separating nave from Jesus Chapel

### **The objections**

10. As indicated above, it is accepted that there is a need for a vestry and some office space. However, the Victorian Society does not agree that the curved wall structure of the proposed “pod” will be in keeping with the internal aspect where the observer’s eye will be drawn to a modern and displeasing extension and distracting from the features which have made this an exceptional church from an historic and aesthetic point of view. In particular, it is put this way, as per an email to the Registry last month:

“The only other aspect of the proposals which we would similarly oppose, and equally strongly, is the vestry and office structure envisaged for the North aisle. We acknowledge above and accept the principle of introducing these facilities and we can see the benefits of the location proposed. It is the specific form of the pod to which we object. The church interior is astonishingly richly treated architecturally and decoratively and its impressiveness is undoubtedly magnified by its consistency and intactness. Whilst any new structure in this location proposed would inevitably intrude on views and vistas, and the lines and rhythm of the interior, its impact would be greatly compounded by the rotund form of the pod, as well as its materials both of which would be arrestingly at odds undermining of the character of the interior. If a new structure is to be accommodated here then it needs to adopt a more traditional rectilinear form, perhaps adopting the appearance, in form and detailing, of a traditional screened vestry with timber partitions. A curved structure in the manner proposed could only ever look alien and draw attention to itself in a way that would harm the character and appearance of the interior.”

11. Mr Hughes of the Victorian Society suggests that it must be possible to design a structure which would have significantly less impact on the churches “magnificent interior” which would not undermine its artistic quality and coherence.

12. For the sake of completeness, it is to be noted that the petitioners were afforded an opportunity to respond, as an email was provided by Mr Wolley, the architect. His comment was in these terms:

“The proposals have been approved by Historic England who advise that any alteration to an historic building should be in an up-to-date style so that the historic sequences of the building are readily recognisable. This proposal is therefore a clear statement that this is a modern alteration to accommodate present day necessities. The curved form eases the flow both physically and visually and is in my opinion better suited to the available space. The vestries do not need to be a permanent feature and are readily reversible. They are located against a relatively recent white infilling to the former open arcade of the Jesus chapel.”

### **Discussion and determination**

13. The approach to be taken by the consistory court in determining whether to grant a faculty in these circumstances is subject to the guidance provided by the Court of Arches in **Re St Alkmund, Duffield [2013] Fam 158**, which approach is now followed almost invariably. In short form, there is a clear balancing exercise to be undertaken when considering the impact of any proposals which requires the court to take into account, depending upon the degree of impact, the benefit which would accrue to the petitioners if the works were carried out. Clearly where the impact or harm is negligible, it is unnecessary to undertake the stepped process in the various “Duffield” questions.

14. I make it clear that any endorsement by one of the amenity societies of internal reordering works (here Historic England) will not justify a faculty grant if there is substance in objections by other bodies who have been consulted. In the case of a listed Victorian church with a particularly notable interior retaining memorials, treasures, murals or an intricate and special design, significant cognizance will be given to any views expressed by other bodies. However it does not follow that a Chancellor is bound to agree with those views. In some

instances the jarring and offensive nature of an alteration will be obvious (as in this case with the porch, sensibly withdrawn) whereas in others the impression as to impact will be based upon subjective assessment where agreement is really quite difficult to achieve.

15. Having had an opportunity to visit this church on two occasions, more recently to assess for myself how the vestry/office pod might intrude into the interior space, and in particular the North aisle, I have come to the conclusion that the harm caused by the construction is minimal, and not intrusive as suggested by the objection. This is a church with a vast interior space where the eye is drawn to the special features, the painted stations of the cross and other internal aspects as described above. The extension of the pod is through the relatively recent enclosed arches on which there are no murals, which appear to have been filled in with some sort of block work or plasterboard in relatively recent times to create the separate space within the Jesus Chapel that is partitioned from the nave. The closest notable feature to the projecting curved pod is the pulpit, which is itself rotund, and not rectilinear. Although the projection into the nave will extend almost to the pulpit, in my judgment the obstruction of “*views or vistas*” as contended for is negligible, and in fact if the structure were rectilinear, it is more likely that it would obstruct a view of the Willis organ and the north-east corner of the church. Being curved would allow the eye to be drawn around for any aesthetic inspection of the church from the north side, although apart from the organ there is very little which might be inspected in that corner.

16. I cannot accept that a curved wall, as opposed to one which is squared off is any less in keeping with a traditional Victorian interior, particularly when the structure in which it is created is relatively low and would not extend to the arches which are supported by the columns. Further, because this is one of the least inspiring or aesthetically pleasing parts of the church (the recently added infilled wall) the impact of any structure is even less obtrusive.

17. Whilst it may appear that I am substituting my own subjective assessment for that of the Victorian Society, and in the event that it is one with which others would disagree, in my judgment the benefit which this vestry/office pod provides is very significant indeed. Any minimal harm created by the curved wall is offset by the advantage of having the additional space which is needed from the shape of the structure, and should be considered in the context

that a rectilinear extension, which would probably provide even more space, would create a significantly greater footprint and intrusion into the nave.

18. In such circumstances I do not accept that the objection is justified, and I am prepared to grant a faculty for the design as sought. In my judgment this is on the basis that any harm is minimal and would be no less than alternative design shape that is contended for, and which is clearly justified on the basis of the substantial need for the space.

19. However, I acknowledge that despite the temporary nature of the structure, and the fact that it can be removed easily in the future, it seems to me that its fascia should be given further consideration, and that this should not simply be a pod with plain or plastered walls, albeit to match the existing infilled walls between the columns. It is clear that the organ console, whilst currently redundant, is encased in a form of wooden panelling that has been painted dark brown or grey to compliment the coloured organ pipes and the architrave which surrounds the console. It seems to me that similar panelling which blends with that in place would provide less visual intrusion than plain or plastered walls. Accordingly I propose to make it a condition of the faculty grant that the petitioners instruct the appointed architect to consider the feasibility of suitable panelling of a style and colour to match that in place under the organ pipes, the final design to be approved by the DAC without further reference to the Registry. I make it clear that if this is considered not to be feasible for good reason, there is no requirement that the work be undertaken.

His Honour Judge Graham Wood QC,

Chancellor of the Diocese of Liverpool

1<sup>st</sup> November 2021