

IN THE CONSISTORY COURT OF THE DIOCESE OF ROCHESTER

Re: WEST MALLING ABBEY: ST MARY

J U D G M E N T

1. By a petition dated 27th January 2021, the petitioner, Abbess Anne Clarke OSB and Mr Roger Molyneux, authorised to act on behalf of the Community, have applied for a faculty authorising works to West Malling Abbey Church and visitors' chapel, comprising the removal of existing light fittings, and the introduction of a new lighting scheme, the introduction of cable housing at high level, redecoration and investigations to clerestory glazing. The proposed works are set out in more detail in drawings prepared by Mr Molyneux, who is an architect, and in drawings, a specification, a schedule and a lighting model prepared by CES Lighting.
2. The Church of the Resurrection of Our Lord Jesus Christ and of the Blessed Virgin Mary, West Malling Abbey, to give the building with which I am concerned its full name, is a Listed Grade 2* Church built in 1964-66 by Maguire and Murray, the well-known modernist church architects and designers, with additions and alterations in 1972. The Statement of Significance describes the Abbey Church as; "a remarkable modern intervention in a setting of great antiquity, providing an uncompromising yet sympathetic contrast to the Grade 1 medieval abbey west front and transept, and the other conventual buildings."
3. There have been no objections received in answer to the public notices.
4. Of the amenity societies, Historic England has made it clear that it neither wishes to be joined as a formal party opponent, nor does it seek to raise any substantial objections to the proposed works. In a letter of 15th September 2020, Historic England has this to say;

"We support the redecoration and restoration works and do not wish to comment on them in detail. This letter will focus on the new

lighting scheme proposed. We support in principle the proposal to provide better lighting within the church so that the sisters can use the space more easily. However, we have some concerns regarding the proposed removal of the globe shaped lights around the altar and the proposed use of pendant bowl fittings within the guest chapel.

We think that removing the globe lights which surround the altar would cause a low degree of harm to the significance of the church. The globe lights were part of the original design of the church by Maguire and Murray. The delicate and understated design complements the interior of the church and helps to delineate the altar as the focal point. We strongly encourage that these fittings are retained....

....We have some concerns regarding the removal of the globe lights around the altar and the low level of harm this would cause to the significance of the building.”

5. The Twentieth Century Society has made its position clear in an email letter of 30th September 2020. No objection is raised to “the proposals that affect the heating or the necessary electrical trunking works and related re-decoration.” However, on the proposed lighting scheme, the Society says;

“Great advantages are often to be gained from re-lighting schemes in historic buildings and many churches are improving their worship spaces by investing in these.... It is particularly important in post-war buildings that have been designed with a limited palette and with expressed structures to take great care in designing and locating new interventions. Original light fittings are often crucial to the overall design intention and as a result, the Society prefers that original fittings be retained. In the majority of cases original fittings can be re-lamped and enormous improvements in lighting quality achieved, including greater lighting levels and reduction in glare.

The Society would therefore prefer that such an approach be adopted at West Malling.... The Society does not object to the replacement of the later lighting installed above the choir stalls, but considers it important in the worship space that the sanctuary globes be retained.”

6. The Twentieth Century Society has argued its concerns coherently and cogently. On the other hand, the Society has not sought to be

joined as a formal party opponent; see the letter of 8th February 2021 to the Registrar. It is clear that whilst not opposing change in principle, nonetheless it wishes to have preserved the sanctuary globes. As against that, I have not had the chance to hear evidence, or to have it tested in cross examination. I must also bear in mind, as is obvious, that the original lighting scheme above the choir stalls has already been the subject of change, and so there is no question of preserving the original lighting design or layout in its entirety throughout the church.

7. The D.A.C. in its Notification of Advice dated 18th January 2021 recommended the proposed works, save that it;

“...strongly agreed that it DOES NOT RECOMMEND the removal of the globe light fittings for the following reasons; 1. They are an integral part of the original Maguire and Murray scheme and are mentioned in the listing description; 2. Their removal would impact on the significance of the church; 3. The Committee did not consider that the need to remove the lights justified the harm to the significance (of the church) that would be caused by their removal; 4. The Statement of Need confirmed that the Community wished to remove the lights as they created glare. The need to improve lighting levels without creating glare could still be met by using additional lighting, but retaining the globe light fittings unused.”

8. For the avoidance of any doubt about its stance the D.A.C.’s Notification of Advice concludes;

“The D.A.C. agrees that the original globe light fittings should not be removed as part of the proposed lighting scheme. The D.A.C. does not recommend this element of the proposed works.”

9. In summary, the reservations and/or objections raised by the Twentieth Century Society, Historic England, and the D.A.C. are all very much along the same lines.

10. In the Statement of Need, stress was laid on the fact that; “The present artificial lighting arrangement is not easy to maintain and provides inadequate light for the increasingly multi-purpose way that the Community is using the space, eg. Music at Mallings;” see paragraph 2.2. There is also reference to a desire to reduce the use of energy to illuminate and heat the building; see paragraph 2.3. There is a strong argument mounted in favour of replacing light fixtures around the choir stalls which, as I have recited above,

is not opposed, but remarkably little is said about the lighting in the sanctuary save as is set out in paragraph 3.2;

“They (the Community) considered retaining globes in the sanctuary and something else over the choir but concluded that a unified arrangement for the whole church would be aesthetically more pleasing.”

11. The views of the Community are further set out in the email letter of 25th November 2020 from Mr Molyneux, and are to the following effect;

“(1) The glass globe light fittings and their present locations are indicative of what was available at the time of construction of the building and also relate to the original building layout before the floor levels were changed, the columns introduced and the altar moved further west.

(2) Lighting technology has advanced substantially since this time and as such, there are better ways of illuminating the space.

(3) The fundamental consideration/significance, in our view, is the activity/drama of prayer and celebration within the serene and minimalist monastic space and how it is supported. The globes are a distraction and diminish the significance.

(4) To etch or change the lamps within the globes will only bring more attention to them and be a further distraction to the activity/drama and have negative impact on the significance.

(5) Conservation policy states that it is preferable to maintain the historic building for the purpose that it was intended but that change should be accommodated to enable it to do so.

(6) In the context of accommodating change, the globes could be taken down and put into store but not disposed of....”

12. On 9th March 2021, I gave directions, and indicated that whilst I was not prepared to deal with the petition without further investigation, I was prepared to deal with it on the basis of written submissions, provided that all concerned agreed in writing to this course being adopted. I gave further directions relating to the filing of further evidence, if the petitioners so wanted. By email dated 15th March 2021 Mr Molyneux replied stating that the petitioners

were content for the petition to be resolved, as suggested, on written submissions, and that they had nothing further to add, but wished to rely on the evidence already submitted. Having further reconsidered the matter, and with the relevant consent from the interested parties, I am satisfied that this is an appropriate course to adopt.

13. I have no hesitation at all in approving the bulk of the works proposed in the petition, ie. those that are unopposed. They are clearly required and appropriate. That leaves in issue the lighting, namely the glass globes in the sanctuary. The remainder of this Judgment deals solely with this issue.
14. I reject the suggestion that the globes might be taken down and stored, as being impracticable. In my judgement the chances of damage occurring over time if such were to be done, are far too high.
15. Likewise I reject, were it to be pursued, the suggestion that the globes might be etched. Such a proposal in my view would probably be the least desirable of all options, for not merely would the globes be irreversibly changed, and the integrity of the design altered but, I suspect, overall the lighting would not be greatly improved.
16. Thus it is that either the globes go altogether, or they remain as they are. The argument on this engages the principles set out in **Re St Alkmund, Duffield [2013] Fam 158**. Every case of this nature is fact sensitive, but the ordinary presumption is against change and, with a listed building involved, the burden is on the proponents of change. I have to decide whether the petitioners have discharged this burden and rebutted the presumption.
17. Applying the Duffield framework, I conclude that undoubtedly there would be harm to the significance of the church building were the lighting globes to be removed from the sanctuary. There is, in the proposal, nothing to show that the changes would improve outreach or mission, nor is such sought to be argued by the petitioners. Indeed, for a variety of reasons it is difficult to see how it could be. Likewise, it cannot be argued that the proposal would involve easier access or greater liturgical freedom. All that can be said is that the removal of the globes might remove a distraction. The present distraction, which must have been in place for some time, is not quantified or particularised, and I have to say that I struggle with the concept that the non-removal of the glass globe

light fittings will or should be allowed to distract from the “activity/drama of prayer and celebration.”

18. I appreciate that there may be some dispute over the precise degree of harm caused by the removal of the glass globes were I to permit such (and I note that Historic England rather surprisingly rates the potential harm as low), but I very much bear in mind the views expressed by the Twentieth Century Society and the D.A.C. recited in paragraphs 5 and 8 above, and I have come to the conclusion that it would in reality be substantial.
19. In the light of what I have said, it is clear that the petitioners have not discharged what is a strong presumption against proposals which will adversely affect the special character of a listed building, and I can see no, or no appreciable, public benefit accruing from the proposed changes.
20. Accordingly, weighing the justification for the works against the likely harm, the petitioners have not discharged the burden on them.
21. In the premises, I direct that a faculty issue for the works sought in the petition save for those relating to the lighting in the sanctuary, where the original light fittings and globes must remain unaltered in situ.
22. 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
12th April 2021

