

Neutral Citation Number: [2021] ECC Ely 2

In the Consistory Court of the Diocese of Ely

In the Matter of a Faculty Petition

The Church of All Saints' Church Haslingfield

1. The petitioners applied to repair and reinstate a stained glass window in the east wall of the vestry. The window contained fragments of medieval glass as well as 19th and 20th century glass which was used to fill the window and has traced onto it a probable design of the original window. It was described by Michael Kerney, an eminent nineteenth century stained glass expert to be a 'very clever Victorian hybrid'.
2. Chapel Studio, who are carrying out the work on the window, consider the medieval glass to be of significance. In their report they state:

"Some of the glass within the vestry window was formerly part of a larger medieval glazing scheme in the north elevation of All Saints' Church. According to Harold Hopkins, churchwarden, 'the vestry lights were originally situated within the north chancel wall of the building in approximately the position between those (sic) two monuments that are currently displayed.'

"Hopkins suggests that 'there is a slight outline on the wall that may confirm the precise position of the window' and the glass may have been moved to their current position after the rebuilding of the vestry and the subsequent rearrangement of the glazing.

"Interestingly Hopkins argues that 'the medieval glass was protected from the ravages of Dowsing and his mob by being massively overgrown with ivy and a wooden door on the outside.'

"G. E. Davis, a local researcher and Hopkins both provide a much more concise historical and archaeological account of the vestry windows and attribute the Armorial panels which are within the head sections of the lancets to the Scales and Burnell families and the possible marriage of the two houses. 'Some will tell you it is not a Burnell but a Felbrigg marriage shield. This is not correct as the Burnell lion was black and the Felbrigg lion was red on a yellow base.' However, as a matter of interest, both Felbrigg and Burnell married Scales. This would date the medieval glass within the windows to the second part of the fourteenth Century."

3. The window had been removed under an emergency faculty in March 2019 and a confirmatory faculty was granted to remove the window on 26th July 2019. At a meeting on 19th October 2020 the PCC unanimously passed a resolution that:

“The vestry window should be repaired and replaced within a frame in its original site. If a grant can be obtained, this should be used towards the repair. Part of the legacy from the late Felicity Webster should be used either as part or whole payment for the repair. The window will be dedicated to Felicity.”

4. The application received support from the DAC. Restoration has started on the window and funding has been granted by Historic England with a deadline to complete it by September 2021.
5. There has been one letter of objection to the proposal, that is from Mr David Rutherford, a much respected servant of the church, a former churchwarden and who was, in fact, lay chairman of the PCC when the decision was made, on 13th January 2020 to restore the vestry window. He does not want to become a Party Opponent and has left the matter to be decided on the papers.
6. He objects on the grounds that the window is totally uninspiring being made up of disjointed pieces of gathered coloured glass that send no message and does nothing to add to the beauty of this Grade I Listed Building. He compares it unfavourably with other stained glass that adorns the church. He proposes a different plan and the installation of an inspirational image in the vestry window adjacent to the War Memorial and that the scraps of glass be stored for occasional display. He asserts that other members of the PCC support his views.
7. Responding on behalf of the petitioners, Jennifer Gore noted that Mr Rutherford’s proposal was put before the PCC at its meeting on 1st September 2020 and gained no support.

8. Mr Rutherford considers that the proposed funding and dedication of the restored window or, as he describes it “this shambles” in memory of a well-loved daughter of their church is, in his strong opinion, unforgiveable.
9. Jennifer Gore explains in her response that the use of part of a legacy as contingency for the project from a much-loved young member of their congregation, Felicity Webster, has the full support and delight of her parents.
10. Mr Rutherford complains that the faculty consultation papers and plans were stored by Jennifer Gore at her house which has made inspection of the papers very difficult and raise COVID and accessibility concerns; they could have been displayed in church which has been open for private prayer.
11. Jennifer Gore has explained that they were stored at her home because she is a churchwarden; that they were available for inspection was displayed on church noticeboards and on their website. She points out that Mr. Rutherford had access to the original faculty and documentation all of which had previously been seen by him at the All Saints’ PCC meetings and as a member of the fabric committee.

DECISION

12. I have given careful consideration to the points raised by Mr Rutherford but I am unable to see any merit in his objections. Having removed the glass to preserve and restore it, the petitioners had no option but to replace it in the window from which it was taken. Although only fragments remain of the medieval glass, it is a window of archaeological significance and its Victorian treatment is, in itself, of significance and distinction.

13. I am satisfied that the use of the bequest to pay for part of the cost of the work is fully justified and done with the enthusiastic approval of the parents of the young girl who died. With the benefit of a grant from Historic England – itself an indication of the importance they attach to the window – there will be less call on the bequest in any event.
14. I see no merit in the complaint about where the papers were stored. They were available for inspection to anyone who wanted to see them. Leaving them on open display in an unlocked church would not have been a sensible alternative.
15. I will grant the faculty, the works to be completed within six months. I hope that Mr Rutherford will come to terms with this decision and recognise the importance of this window in the long history of a church he has supported so commendably for many years and that any disappointment he may feel that his alternative plan was not adopted will diminish.

His Honour Judge Leonard QC

Chancellor of the Diocese of Ely

2nd June 2021