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Stained glass

IN THE CONSISTORY COURT OF THE DIOCESE OF COVENTRY

PARISH OF ST. GREGORY OFFCHURCH

In the matter of a Petition lodged the 24th day of March 1999 seeking a Faculty for:

The installation of a stained glass window on the west side of the entrance porch of St Gregory's parish church Offchurch, in celebration of the Millennium; all as set out in a drawing and quotation by Roger Sargent, Stained Glass Artist, dated 15th January 1999 and Estimate from C and F Morris and Co dated 30th November 1998.

To be heard in the parish church of St Gregory, Offchurch on Saturday 17th June 2000 at 10.00am

PARTIES:

The Petitioners

1. Mr Michael Porter Honorary Treasurer and Member of the Parochial Church Council;
2. Mr Francis Daniell Member of the Parochial Church;

Witnesses Called by the Petitioners

3. Mrs Janet Seaton Millennium Fundraising committee Chair and Hon. Secretary of the Parochial Church Council;
4. Mr Roger Sargent Artist commissioned to design, construct and install the proposed window;
5. The Reverend Michael Gregg Curate of St. Gregory's parish church Offchurch;
6. Mr Laurence Measey Parishioner (statement tendered in his absence).

The Objectors (Parties Opponent)

7. Helen M Wright
8. Jenny H Harris
9. Alex H Harris
10. Denise Boswell
11. David Boswell
12. H G Hawker
13. G M Gunthorpe
14. A R Gunthorpe
15. M Hinksman
16. E Lawrance
17. M Lawrance
18. R J Butler

19. B A Butler

Independent Witnesses

20. Mr William Hawkes Chairman of the Diocesan Advisory Committee for the Care of Churches;

21. Mr Jonathan Goodchild Officer of the Council for the Care of Churches (statement tendered in his absence)

IN THE CONSISTORY COURT OF THE DIOCESE OF COVENTRY

PARISH OF ST. GREGORY OFFCHURCH

In the matter of a Petition lodged the 24th day of March 1999 by Mr Michael Porter Honorary Treasurer and Member of the Parochial Church Council and Mr Francis Daniell Member of the Parochial Church Council of St Gregory Offchurch seeking a Faculty for:

The installation of a stained glass window on the west side of the entrance porch of St Gregory's parish church Offchurch, in celebration of the Millennium; all as set out in a drawing and quotation by Roger Sargent, Stained Glass Artist, dated 15th January 1999 and Estimate from C and F Morris and Co dated 30th November 1998.

HEARD in the parish church of St Gregory Offchurch on Saturday 17th June 2000

JUDGMENT
OF SIR WILLIAM GAGE, CHANCELLOR

I propose subject to a condition to grant a faculty in this case and I do so for the following reasons.

First of all I shall set out the background. This is an ancient church which dates from Norman times. It is a grade II* listed building. Mr Hawkes in his proof of evidence describes it thus:

"The quality of the building relies very much on the cumulative effect of the fragments from past ages."

The relevant Victoria County History contains an excellent summary:

"The parish church of St Gregory stands on the crest of the hill above the village. It consists of chancel with north vestry, nave with south porch, and west tower, and is built of the local red sandstone.

The nave dates from the early part of the 12th century; owing to the failure of the foundations the chancel arch, of which the piers are badly out of the perpendicular, collapsed and had to be reconstructed, apparently in the 14th century, with the addition of buttresses on the south and, probably, north. The chancel seems to have been partly rebuilt at the same time and perhaps lengthened, and a south porch erected. Late in the 16th century the roof of the nave was reconstructed at a lower pitch, and it may have been at this time that the clumsy and very massive buttress on the north side, overlapping the north door, was built. In the 18th century, square-headed two-light windows were cut in the side walls of the nave, immediately under the eaves, probably to light galleries. In 1866 the chancel was

almost entirely rebuilt, in the course of which operation there were found in the wall parts of a stone coffin (now outside the north wall of the nave) and the heads of two small round-headed windows which were set in the north and south walls when rebuilt. A combined vestry and organ-chamber was built on the north of the chancel in 1898.”

The petitioners seek a faculty to replace an existing Victorian window on the south side of the nave west of the door and close to the tower. They seek to do this as a Millennium project. The window which they wish to have replaced is described as a monochrome grisaille window and forms one of three monochrome grisaille windows in the church which are similar but different in detail. They are Victorian windows and are different from other windows in the church. The Diocesan Advisory Committee having considered the matter recommended a grant of a faculty. I then directed that the Council for the Care of Churches advise me and by a letter dated 16th November 1999 addressed to the Registrar the Council gave its advice. That advice was as follows:

“The proposal is to replace the patterned nineteenth- century stained glass in the window to the west of the south porch with glazing designed by Roger Sargent , a local stained glass artist. The design is an abstract interpretation of the words:

“When he, the spirit of truth is come, he will guide you into all truth”.

The artist writes that the swirling, cosmic pattern in blues, purple and gold represents eternity, and the red diagonal shape signifies the power and clarity of all truth. The existing glazing in the church all dates from the late nineteenth century. The window in question is glazed with patterned stained and grisaille glass, of good quality and in harmony with the remainder of the glass in the building.

Although the Council supports in principle Millennium projects of this sort, it regards the existing glass worthy of retention. The proposed design is acceptable, though contrasting with the stained elsewhere in the building. There are however potential technical difficulties e.g. large areas of colour would have to be broken up with additional lead comes. The artist therefore would need the advice of a stained glass craftsman on the design's execution. Alternatively, consideration might be given to translating the design into the medium of a textile hanging.”

The new Millennium window is described in the papers before me, perhaps best at page 12 under the heading 'Design Concept' which I will set out completely:

“The design of the new window is based on the words of Jesus from St. John's gospel, 'When he, the spirit of truth is come, he will guide you into all truth'. The words are awesome in their implication that we shall know all truth - personal as well as universal truth - and the message of hope seems a very appropriate one for the new Millennium.

The swirling cosmic patterns in blues, purple and gold represents eternity. It is cut through by a dramatic red diagonal shape reaching upwards beyond the limits of the window signifying the power and clarity of all truth.

The impact is intended to convey a sense of mystery and wonder. While the text is an important Christian one it also has a universal meaning for those of other faiths and none, speaking as it does of the liberating nature of truth.”

The history of this matter I shall set out shortly. Originally a questionnaire appeared in the Offchurch News asking for ideas and suggestions for suitable Millennium projects. In January 1988 some nine questionnaires were returned and in addition there were verbal responses. I was told during the course of evidence that various suggestions were made in addition to the suggestion of a stained glass window; for instance there was a suggestion that there be new signs in the village; there was a suggestion that there be a bench; and there were other comparatively minor suggestions. Following that questionnaire a Millennium committee was set up in order to raise money and to decide on the nature of the project. In due course Mr Roger Sargent, a local artist, who works with glass was asked to make a presentation. That was made in July 1998 to the PCC. The PCC agreed that the project should go ahead. There then followed two open meetings in the village. The first was in September 1998. The presentation was placed before the meeting by Mr Sargent. A questionnaire was distributed requesting ideas and thoughts on design and the theme for the window. Apparently some 34 people attended and one voted against the proposal. A second meeting was held on the 4 December 1998. That meeting was in the village hall. There was a presentation by Mr Sargent of preliminary designs based on feedback which had already been received. There was a display of designs and the opportunity to question and discuss the matter with Mr Sargent. Some 29 people attended and I was told that no one at that stage appeared to be against the proposal. Mr Sargent when he gave evidence

before me today stated that he was very concerned to see first, that the village realised the nature of the work that he was presenting, namely a modern design, and second, that they felt entirely comfortable with what he was doing. One can readily understand that an artist of his quality would not wish to be associated with something which the majority would not want. I have no doubt, and I accept his evidence, that as far as he was concerned he was satisfied at the meetings that he had made it clear what it was that he was proposing to design. So far as the design itself was concerned he told me, and I accept, that he based it on extensive feedback. He wanted to make something which was forward looking with a sense of hope for the future and fitting in its text, and in the position where it was to be. He also told me that in the design he endeavoured to pick up colours from the other traditional Victorian pictorial windows within the church. Following the meetings a questionnaire was available at the back of the church for those attending church to pick up and make comments. I have seen some 41 of these questionnaires. It is worthwhile noting that three of the parties opponent filled in the questionnaire in which they selected one of the options but they did not say that they would not like any of the options. I was told by Mrs Rosemary Butler, one of the parties opponent, that this was because there was no space on the form for outright opposition to be registered. At all events the matter proceeded and a petition was presented, as it had to be, by the members of the church in the name of Mr Francis Daniell, a PCC member, and Mr Michael Porter the Treasurer of the PCC. But the petition is put forward very much as a village project.

Today I have heard evidence from Mr Daniell, Mrs Seaton, Mr Sargent, Mr Greig and Mr Porter who support the application for a faculty. For the parties opponent (there are some 19 of them) I have heard evidence from Mrs Wright, Mrs Butler and Mrs Gunthorpe.

For those who support the petition, the case can be summarised in a number of the points that came up in the course of the evidence.

First, it is said that the Millennium should properly and fittingly be marked by a window in the church. That will be give it a Christian basis. Secondly, it is said that it is a project for the whole church. Thirdly, Mr Greig made the point that it had an important factor of mission for the church and was an opportunity not to missed. It has to be noted that it was the Millennium Committee, not in fact the PCC, that was at first the driving force behind this petition. Fourthly, the point has been made that it was thought to be something which might form a healing process for a village which had been much divided by past events in the church. As far as that matter is concerned, sadly that does not seem to have been completely successful.

For the parties opponent their objections are succinctly set out in a combined statement which appears at page 60 of the document before me. I propose to summarise those objections shortly.

First, it is felt that the window is not in keeping with the other stained glass. Secondly, it is said that the existing window is in a sound condition and needs little or no attention. Thirdly, the point is made that this is a listed building with all that that entails. Fourthly, the existing window, it is said, is attractive and should not be replaced, which is really part of the first point. Fifthly, the stained glass window should be either educational or inspirational. In the view of those who oppose it, it is neither. Sixthly, there is reference to comments about the present windows in the Visitors' Book in the church which favour the existing windows. Seventhly, it is said there are many objectors who have long-standing family associations with St. Gregory's. Eighthly, the objectors pray in aid the points made by the Council for the Care of Churches in its letter to which I have already referred. Ninthly, it is said that the number of people voting for particular designs was less than one quarter of the total village population. As to the total village population the evidence before me is by no means clear but I shall take the population as

approximately two hundred. And finally, following the lodging of the objections it is said that there has been some form of intimidation against those who objected.

Before I go on to deal with the facts in this particular case I want just to refer to the way in which this court, in my view, should approach the matter so far as the law is concerned. As I have said this is a listed building. In *St Luke the Evangelist, Maidstone* [1994] 3 WLR 1165, the Dean of Arches gave guidance on the way which the court should approach alterations to listed buildings. He said, citing comments he had made in *St. Mary's Banbury* [1987] Fam 136, as modified in *All Saints, Melbourne* [1990] 1 WLR 833:

“Where a church is listed there is a strong presumption against change which would adversely affect its character as a building or special architectural or historic interest. In order to rebut that presumption there must be evidence of sufficient weight to show a necessity for such change for some compelling reason which could include the pastoral well-being of the church.”

It is important to realise that those cases to which the Dean was referring and the case of *St. Luke the Evangelist* were cases involving radical changes in the church, such as alterations by way of extension or alterations by way of reordering. The case with which I am concerned is not such a case. There are now a large number of petitions which involve applications for a faculty for Millennium windows. It seems to me therefore it would be sensible for me to give general guidance for the way in which I propose to approach such petitions.

First, as the church is a listed building the strong presumption against change which would adversely affect its character as a building of architectural or historic interest will be adhered to whether or not this is a petition for a Millennium window or some more radical alteration to the church.

Secondly, in cases involving a petition for a Millennium window the first question that the court will ask itself is whether the new window adversely affects the character of the building as a building of special architectural or historic interest.

Thirdly, if the answer to the second question is no, then the court will still need to give effect to the presumption against change to a listed building but that presumption may be more readily rebutted.

Fourthly, if the answer is yes to the second question, the petitioners will need to show a necessity for change.

Fifthly, when the court is considering whether a necessity for change has been proved different considerations will apply where a window is involved than in cases involving reordering or more radical alterations. It is impossible to set out the circumstances in which the court will find a necessity proved. Each case will vary. Each should be dealt with on its own individual facts.

With these matters in mind I turn to this case. So far as the proposed new window is concerned, having studied the proposal at the back of this church; having looked around the church and studied the existing window; and having paid close attention to the evidence which I have heard in this case, I am quite satisfied that the proposal will not adversely affect the character of the building as a building of special architectural or historic interest. My reasoning is as follows. Not all of the windows in this church are of the same type; that is obvious. Although all of them are approximately the same age, that is to say they come from the Victorian era, there are a number of Victorian pictorial windows which are different from the window it is sought to replace. The existing window which will be replaced is one of three windows of a similar type. I have already described them. They are, however, each different to each other. They have no

specific Christian motive. It is also clear that this is a church which is comprised of additions and alterations from different ages. It is not all of one age. So far as the objections are concerned, a large amount of the time in evidence was taken up dealing with the question of how the matter was handled by the Millennium Committee. A number of criticisms were made and I shall deal with those in a moment, but at the end of the day it seems to me that the substance of the objection in this case is that, for good reason, perhaps, the objectors object to the change. They like the window and the church as it is. That is an entirely understandable attitude. The other part of their objection relates to the way the Millennium project has been dealt with by the Millennium Committee. Time has been taken up in seeking to persuade me that not all the people who object attended the public meetings. Equally those who attended the public meetings, for one reason or another, did not speak up against the proposal. Again I can understand that. It is said that the whole village should have been circulated; it might have been better if it had been. It is also said that there has been intimidation. I am bound to say that I have found that very difficult to accept. Mrs Butler who gave evidence about it told me that the incumbent came to speak to her and her husband and sought to persuade them to withdraw their objection. She felt to some extent intimidated by this interview and feels that others may equally have been intimidated. I heard from Mr Crooks about that. It is perfectly clear that no intimidation was intended. It did not achieve the object because it is thought that only one party opponent subsequently withdrew, apart from Mr Butler, who signed a piece of paper withdrawing his objection, but subsequently adhered to it.

Clearly there is opposition to this proposal in the village. My difficulty is to try to and assess the strength of the opposition. When I took a straw poll in this church twenty-one people voted in favour, fifteen against. I accept that some may have already left the church before I took the straw poll. Equally I know of at least one, Mr Measey, who would have been here to vote in favour had it not been for the fact that he was unavoidably abroad. So if this is to be a factor,

and it seems to me it is a factor which I should take into account, how I should I assess it? It seems to me that the only way in which I can assess it, is by paying attention to the way in which the Millennium Committee set about putting this matter before the village. The fact is they held two public meetings. There does not appear to have been any real opposition expressed at those public meetings which so far as one can tell were reasonably well attended. But there are nineteen parties opponent. That is the really firm evidence of opposition. On the whole of this evidence I conclude that so far as it is a factor, I should take into account that the majority, it is difficult to say by how great a majority, of the village is in favour of this proposal and I propose to act on this basis.

For my part I am quite satisfied that the petitioners have rebutted the presumption against change. As I have said, I direct myself that that presumption is more readily rebutted when, as I conclude, the proposal does not adversely affect the special architectural or historic interest of the church. In my judgment it is an eminently suitable aspiration for the Millennium to be marked in some way by some symbol in the church. I accept the evidence that this was intended to, and has to some extent, involved the whole village. Opinions about the design will differ. This is inevitable when any project involving people's views about aesthetics is proposed. But this design has a Christian character. I accept that in this church, which is drawn from many different ages, it will add a Christian dimension for the twenty-first century. That is an entirely worthy aspiration. On the other hand, the window to be replaced has no specific Christian connotation. In addition, I propose to make it a condition that the glass that is taken out from the existing window be preserved. It must be preserved so that if future generations decide that the new window should be removed then the former window can be put back. In that way the effect of this change will not be as serious as if a more radical and irreversible alteration was involved. So far as the condition is concerned, in my view the Diocesan Advisory Committee should decide what is the best way of preserving the glass, whether it should be here in the parish or

whether it should be in some other repository. So for the reasons for which I have endeavoured to express I propose to grant a faculty in this case.

SIR WILLIAM GAGE