

RUSHALL: ST. MICHAEL THE ARCHANGEL

SUPPLEMENTAL JUDGMENT

- 1) On 17th July 2013 I gave permission for the grant of a faculty authorising the performance of works in respect of the stonework, stained glass, and wall paintings at this church. The background is set out in my judgment of that date. I imposed a condition that the proposed works to the windows of the South Aisle should not commence until the Petitioners had provided a report in respect of those works and had received the Court's authorisation to proceed with the works. The purpose of the report was to spell out the proposed works and their justification to enable me to determine whether they went beyond the minimum necessary to conserve the windows and, if they did, whether the works were nonetheless justifiable.
- 2) The report has been provided. It explains that the position is that the window in question contains a representation of St. Simon. It is alongside a window depicting St. Jude and those two windows are opposite windows depicting SS James the Great and Barnabas. The four windows are a set and are identical in appearance (save for differences in the appearance of the four saints).
- 3) The window depicting St. Simon has been broken by missiles thrown from outside the church. These have caused holes in the blue border of the picture and in part of the decorated background. The Petitioners propose removing the damaged portions and replacing them with new glass replicating their appearance. The Petitioners accept that the proposed works go beyond those which would be needed solely to conserve the fabric. Such conservation could be achieved as follows. In respect of the blue border a piece of glass could be inserted into the hole created by the missile and strap leads could be applied. In respect of the decorated background the minimum works would take the form of applying strapping to hold that portion of the window in place.
- 4) The Petitioners say that works going beyond the minimum for conservation are appropriate here. They say that this is because this window depicting St. Simon is not to be seen in isolation. Instead it is to be seen as part of the set

of four windows. These are of identical design and appearance save for the depiction of the saints. The Petitioners accept that applying strap leads would conserve the maximum quantity of original fabric but say that it would destroy the unity of appearance of this set of windows. Although the Petitioners do not put the matter in these terms their underlying point is that the original fabric has been damaged by vandals who have disfigured not just the window depicting St. Simon but a set of windows created as a unified set to the Glory of God. The proposed works do involve the removal of some more original fabric but have the effect of conserving and maintaining the original appearance of the set of windows. Alternatively strapping would preserve more original fabric but would involve the introduction of a new element (namely the strapping) and would detract from the unity of appearance of the set of windows.

- 5) The starting point is that works on a listed church should conserve the original material where possible. Conservation rather than replacement should be the preferred approach. However, that is a preference and a starting point. It is not an absolute rule that the only permissible works are those which are the bare minimum necessary for conservation. The matter must be considered as a whole with particular regard to the position as it will be after the works have been performed. There will be cases where works going beyond that bare minimum are appropriate for a variety of reasons.
- 6) I have concluded that it is appropriate to authorise the works proposed by the Petitioners even though those works go beyond the bare minimum necessary for conservation purposes. The following factors are significant in this case:
 - a) The window is damaged already and its appearance is marred. This is not a case where conservation can maintain the original appearance of the window.
 - b) A related factor is that even the minimum conservation approach would involve the introduction of new material into the window. There would be a retention of more original fabric than is proposed by the Petitioners but the outcome would still be a marked alteration from the original appearance of

the picture and would still involve new fabric (in the form of the strapping) being readily visible.

- c) By way of contrast the proposed works will result in an appearance very close to that of the original window.
 - d) The fact that the window is one of a matching set of four windows is a very significant factor. There is considerable force in the Petitioners' contention that the introduction of strapping would impact on the appearance of the set of windows as a whole. The proposed works involve the addition of new fabric but will have a much lesser impact on the appearance of the set of windows taken as a unified set.
 - e) The determination of cases such as this involves a balancing of factors and the extent of the change is relevant. Thus it is significant here that the amount of new material to be introduced is modest with the very great majority of the window being unaltered. The position might well be different if the Petitioners had been seeking to effect a more extensive introduction of new material.
- 7) It is also highly relevant that the Diocesan Advisory Committee has certified that the proposed works will not materially change the appearance of the church and that they will not affect its character as a building of special architectural and historic significance. This is coupled with the facts that the Diocesan Advisory Committee has recommended approval of the works and that the Victorian Society has confirmed that it has no objection to them.
- 8) I have considered whether it is appropriate for me to refer the matter back to the Church Buildings Council for further advice. I have concluded that the expense and delay which would be involved in such a course is not justified. The report provided by The Art of Glass is not lengthy but it is readily apparent that the alternative courses set out in that report and the material supplementing it are the true alternatives. Thus there is no realistic prospect that the Church Buildings Council would be able to identify a further way of dealing with the damage to the window other than the proposed course or the alternative of strapping. I have assumed in reconsidering this matter that the

Church Buildings Council would have advocated the strapping approach as being the minimum necessary for conservation purposes though it is possible that having had the further material that Council would have become supportive of the works.

- 9) Accordingly, I conclude that the Petitioners have fulfilled the requirements of the condition attached to the faculty and I authorise them to proceed with the proposed works.

STEPHEN EYRE
CHANCELLOR
23rd December 2013