

Neutral Citation Number: [2017] ECC Lon 2

IN THE CONSISTORY COURT OF THE DIOCESE OF LONDON

IN RE ST AUGUSTINE WATLING STREET

IN THE MATTER OF THE PROPOSED CONSTRUCTION OF A NEW BOARDING HOUSE AT ST PAUL'S CATHEDRAL SCHOOL

JUDGMENT

1. By a petition dated 13 January 2017 Martin R Kiddle, bursar and clerk to the governors of St Paul's Cathedral School, acting on behalf of the Chapter of St Paul's Cathedral, and The Venerable Luke Miller, Archdeacon of London (who has not in fact signed the petition), petitioned for "the construction of a new boarding house on the footprint of the former church" [St Augustine Watling Street], "integrating Wren's tower".
2. Prior to the submission of the petition, the proposals had undergone the applications procedure under the Care of Cathedrals Measure which applies to the cathedral itself. The site in question, however, is not part of the cathedral or within its curtilage, because historically it was the church of the separate parish of St Augustine Watling Street, which is now within the parish of St Mary-le-Bow, Cheapside.
3. At a meeting on 11 December 2016, the Chapter resolved unanimously for a petition to be submitted for a Faculty in respect of the works. Public notice of the petition in accordance with the Rules was given between 13 December 2016 and 10 January 2017 on a notice board inside the cathedral, outside the front of St Augustine's Tower, on a notice board at the playground entrance to the School and on the front door of the School. By Notification of Advice dated 7 December 2016, the DAC recommended the proposed works to the Court.

4 The tower of the former church of St Augustine is listed Grade I. I set out the Historic England list description in full:

GV I Church tower rebuilt 1680-4 and completed in 1695-6, by Christopher Wren with a spire designed by Nicholas Hawksmoor; church body destroyed in 1941 and spire of 1830 reconstructed by Paul Paget of Seely and Paget, 1966. Square plan.

EXTERIOR: Portland stone tower in three stages with oculus at second stage and rectangular belfry apertures at the third stage, this capped with a cornice, a lacy Baroque pierced parapet and corner pinnacles of Baroque obelisks. Rising behind this is the lead spire, restored in 1967 to Hawksmoor's original design, and featuring curved brackets rising to an open stage with urns and the distinctive elongated onion dome. To the south is a pedimented door, and to the east, exposed rubble walling and quoins at lower stage.

Attached to the north is the Grade II St Paul's Cathedral Choir School (q.v.) of 1962-7 by the Architects' Co-partnership.*

INTERIOR: Stages of the tower include a full height open well stair case that serves as a fire escape for the attached school. Ladder stair into spire not inspected.

HISTORY: The church had been rebuilt 1680-4 following the Great Fire of 1666, and the tower was completed in 1695-6 with a tall leaded spire that was modified in 1830. However, the body and spire were destroyed in 1941 bombing and a 1953 photograph shows all that remained standing were the bottom two stages of the tower with its four Baroque obelisk finials. In 1966, the spire was reconstructed according to its original design by Paul Paget of Seely and Paget. Drawings survive in the hand of Nicholas Hawksmoor to show that he designed the original spire, with its brackets rising to an open stage with urns and the distinctive elongated onion dome. His drawing c.1695, however, shows the onion dome as an elongated pineapple with the crown serving as an extra finial. This design, but with the onion, not the pineapple, is largely what we see today, although it is an immaculate post-war reconstruction.

The adjacent school was built in 1962-67 and the brief dictated that the new building should incorporate the restored spire of St Augustine and that no part of the school would be higher than its cornice.

SOURCES: Simon Bradley and Nikolaus Pevsner. The Buildings of England. London: The City Churches. Yale University Press, 1998. p.61.

SUMMARY OF IMPORTANCE: A 1695-6 Wren tower with post-war restored Hawksmoor spire that forms an ensemble of outstanding special interest. It is one the more admired City church spires with its spire culminating in the distinctive elongated onion dome. It has particularly strong group value being the closest of the City Churches to Wren's Cathedral. Although the most characteristic feature is post-war in date, and the church body is now lost, it remains a special landmark tower, both for its original design and for its strong relationship with St Paul's.

5. In its pre-application advice dated 30 August 2016, Historic England's Principal Inspector of Historic Buildings and Areas stated that 'The new extension will... have an impact on the historical value of the grade I listed St Augustine's Tower'. The letter went on to state that 'The proposals will impact on the historical value of St Augustine's Tower as a monument to the Blitz by removing its powerful stand-alone presence... The harm identified... requires clear and convincing justification and needs to be weighed against the benefits the scheme will deliver.' However, having applied the guidance in the National Planning Policy Framework 2012, concluded that "minor 'less than substantial' harm to the value of St Augustine's Tower would be outweighed by public benefits."
6. In a letter dated 19 April 2016, the Twentieth Century Society set out its observations and stated that it wished to '...object to the infill development in its current form and location, as we consider the proposed works would be detrimental to the significance of these highly important Grade II* listed school buildings...'. In a letter dated 24 August 2016, citing the DCMS Guidance of 2010, the Twentieth Century Society restated its case and, in adopting a view of the NPPF contrary to that of Historic England, commented that 'The Society considers that the current proposals would

cause substantial harm and that this would not be outweighed by substantial public benefits... we wish to sustain this position and our objection to the scheme.’

7. Planning permission for the proposals was granted on 8 December 2016 by the City of London Corporation. In accordance with Rule 9.9, notice of the proposals was given on the Diocesan website between 25 January and 25 February 2017. No representations were received in response.
8. On 27 April 2017 I gave directions that there be consultation with the Incumbent and PCC of the parish of St Mary-le-Bow, the former parish of St Augustine Watling Street with St Faith under St Paul’s falling geographically and legally within the parish of St Mary-le-Bow, as stated above. Confirmation of the support of the Incumbent and PCC was given by means of a certified copy of a PCC resolution dated 18 May 2017.
9. Neither Historic England nor the Twentieth Century Society elected to become party opponent to the proceedings.
10. Kilburn Nightingale, the architects employed by the Petitioners, responded to both sets of objections in a letter dated 18 April 2017. I do not cite the details here but it details the extensive discussions that had taken with the planning authority, the relevant amenity societies and the wider public.
11. I have visited the site twice and have viewed both from ground level and above whilst examining the relevant site plans and drawings and considering the submissions from all parties. I accept the submissions of Historic England and its approach to NPPF and am not persuaded by the Twentieth Century Society’s submission to the contrary. A Faculty may therefore issue on condition that the works are carried out in accordance with the submitted specifications and drawings and the terms of the Corporation of London’s planning permission.

H. H. Judge Seed Q.C,
15 December 2017