

**WOLVERHAMPTON: ST. PETER**

**JUDGMENT**

1) The rector and churchwardens of St. Peter's petition for a faculty to remove from the chancel the current electronic Makin organ together with one set of pews and to install a Bevington pipe organ in their place. For the reasons set out below I have concluded that this Petition must be refused.

**The Church.**

2) The Collegiate Church of St. Peter is a Grade 1 listed building. It is a medieval building but underwent restoration work from 1852 to 1865. That work was designed by Ewan Christian and the chancel in its current form dates from that time. Pevsner's description is that "*the long aisleless chancel and the polygonal apse are entirely by Christian in the style of the late C13*". The chancel is indeed long. It has a high ceiling, a number of tall windows, and unadorned walls. The pews are carved dating from the Nineteenth Century restoration and they and the choir stalls are arranged in collegiate fashion. The chancel is of the size and has the appearance of a small Oxbridge college chapel. The Makin organ is at the east end of the south side of the chancel and it together with two speakers associated with it and positioned at about the mid-point of the south wall are the only readily apparent recent alterations to the chancel.

3) The archway between the chancel and the nave is taken up with the pipework of the large Willis pipe organ which sounds into the nave. The nave remains substantially medieval but there is a modern nave altar on a dais and with a semi-circle of seating to its east.

4) The chancel is used for choral evensong on Wednesdays and Sundays, for communion services at 8.00am on Sundays and for sung Eucharists on festivals falling on weekdays. The main Sunday Eucharist is celebrated at the nave altar.

5) St. Peter's has an admirable tradition of fine church music performed to a standard comparable to that of many cathedrals. That tradition is seen as an important part of the mission of the church. The quality of the music draws

worshippers to St. Peter's and contributes to the beauty of the acts of worship offered up in the church. In addition the opportunity for young people and adults to be involved in the church's choirs (and for some to learn to play the organ) is part of the church's ministry to them and operates to draw them and their families into the life of the church. The choirs of the church include seventy-five children. There are nine choral scholars and one organ scholar and a number of organ students. St. Peter's provides a free musical education to all those people and does so in the context of a lively Christian faith demonstrated in a striving for beauty in worship.

### **The Proposal and the Rationale for it.**

- 6) The Makin electronic organ is about twenty-five years old. It is coming to the end of its life and no longer produces sound of an appropriate quality for this church with its tradition of outstanding music. A replacement is needed and an electronic replacement of appropriate quality would cost of the order of £30,000. The church would have difficulty raising such a sum of money particularly as it is in the process of seeking through an appeal to raise funds for necessary works on the Willis organ.
- 7) The Petitioners believe that the solution to this problem lies in the installation in the chancel of the Bevington organ. This is an organ built in 1876 by Bevington. It was originally built for a private house but was shortly afterwards used in a Congregational chapel and is currently in a former Wesleyan chapel. It is part of the estate of the late David Sanger, who was President of the Royal College of Organists. The organ has been offered to St. Peter's free of charge and the costs of moving and installing it together with any necessary modifications will be met by special donations or by volunteers performing the necessary work. The effect would be that St. Peter's would have a functioning pipe organ in the chancel without cost (though in future years the cost of maintenance would have to be met).
- 8) The Bevington organ is 6'9" deep by 11'6" wide and 17' high. It is proposed that the Makin electronic organ be removed together with the set of pews closest to it at the south east end of the chancel. There would be a slight raising of the floor and the Bevington organ would be put in that location. The effect would be that on the south side of the chancel the space between the eastern end of the choir

stalls and the sanctuary would be taken up with the new organ instead of the current set of pews and the Makin organ. The pews would be relocated in the south aisle of the body of the church.

- 9) The Petitioners point out that the Bevington organ is roughly contemporary with the chancel. They accept that there would be an impact on the appearance of the chancel but say that this would be more modest than would otherwise have been the case because of the collegiate arrangement of the seating. The Petitioners' core contention is that the impact on the appearance of the chancel is justified by a measure which would secure the continued vibrancy of the church's musical tradition without imposing a financial burden which the church would struggle to meet.
- 10) The proposal is supported by the Parochial Church Council of the Central Wolverhampton parish and by the District Church Council of St. Peter's. The PCC approved the proposal by 19 votes to 3 with 5 abstentions while the DCC approved it by 13 votes to 3 with 1 abstention. It is apparent that the proposal did not have the unanimous support of those councils but also apparent that it does have the support of the substantial majority of the members.

### **The Representations.**

- 11) The Diocesan Advisory Committee has not recommended approval of the Petition. It believed that the proposed organ was physically too large for the chancel and that it "*could not be accommodated without destroying the aesthetics of the space and the integrity of the architectural scheme.*" The Committee also had reservations as to whether the organ would be "musically too big". The Petitioners have expressed some reservations about the process by which the Diocesan Advisory Committee reached its conclusions but I am satisfied that the Committee's assessment was not influenced by any extraneous factors.
- 12) Similar concerns have been expressed by English Heritage, the Victorian Society, and the Local Planning Authority. Thus English Heritage said that the Bevington organ is "*a large and bulky piece of furniture which will be out of scale and character both with the space and the other items of furnishing in the chancel*". In addition the removal of the section of pews would "*diminish the*

*historic integrity*” of the seating in the chancel. English Heritage contended that the benefits of introducing the Bevington organ would not outweigh the harm to the significance of this Grade 1 church. The Victorian Society’s comments describe the chancel as being an important work by an eminent architect. The Society shares the view that the Bevington organ is too large and would have a negative impact on the appearance of the chancel. Wolverhampton City Council says that the organ would amount to a “*substantial intrusion*” into the chancel.

13) At a very late stage a representation has been received from the Wolverhampton Civic and Historical Society. The Petitioners have not had an opportunity to comment on this representation but I have decided that it is not appropriate to delay determination of this matter for such comment. This is because the Civic and Historical Society’s letter echoes concerns on which the Petitioners have been able to comment. The Society expresses concern about the size of the organ and its intrusion into the space of the chancel. However, there are other concerns expressed in the letter which suggest that the Society had not had the opportunity to consider the proposals in detail but was reacting to information given to them about those proposals. Thus there are comments about cost, acoustics, and damage to the fabric of the church which are speculative at best. I will regard the Society’s letter as indicating the importance which is attached to St. Peter’s by the Society and as supporting the concerns about the size of the Bevington organ but as not raising any other matters of note.

14) The Church Buildings Council has different concerns. It did not express a concluded view as to the impact of the Bevington organ on the appearance of the chancel although it did say that the organ would be “*a physically large presence in the chancel.*” The Council’s letter to the Registrar focussed rather on the contractual and insurance arrangements for the moving of the organ to Wolverhampton and its installation in the chancel. Although those are clearly important questions I have no doubt that if I were to conclude that the installation of the Bevington organ was acceptable in principle then those matters could be sorted out. Accordingly, I do not regard those questions as operating as obstacles to the grant of a faculty.

15) There have been a number of letters of objection to the Petition. In his response on behalf of the Petitioners Revd David Wright, the Rector of St. Peter's, has summarised the points made in these letters under a number of headings. I am satisfied that the Rector has correctly identified the topics to which the objectors have referred and I will consider the objectors' arguments under those headings below. However, it is right that I should point out at this stage that at least some of the letters of objection come from those deeply involved in the life of this church and committed to its work. It is also right to note that their objections in relation to the impact which the organ would have on the appearance of the chancel arise not only from a concern as to aesthetics in a narrow sense. Rather some at least of these objectors fear that the introduction of the organ will impact on the atmosphere of the chancel and will detract from the sense of holiness enabling those worshipping there more readily to become aware of God's presence.

16) There have been a substantial number of letters of support together with a communal letter bearing twelve signatures. These letters include a number (from those involved in the life of St. Peter's but also from acknowledged national experts) confirming and explaining the suitability in musical terms of the Bevington organ for use in the chancel. The letters generally emphasise the importance of high quality church music to the life, worship, and mission of St. Peter's. They refer to the benefits which will flow from having an instrument which enables the production of such music to continue.

17) None of those objecting to the Petition have chosen to become parties opponent. I concluded that it was expedient to determine the case on the basis of written representations together with a site visit. The Petitioners consented to this course. I conducted a site visit on 23<sup>rd</sup> August 2013 at which the Rector and Mr. Peter Morris, the church's Director of Music, showed me the location where it is proposed the new organ should be installed and at which I was able to view the church as a whole.

**The Approach to be taken.**

18) I have already said that St. Peter's is a listed church. The proposed works will obviously lead to an alteration in the appearance of the church. Therefore, the

approach laid down in *Re Duffield: St Alkmund* [2013] 2 WLR 854 is to be followed namely:

- a) Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?
- b) If not have the Petitioners shown a sufficiently good reason for change to overcome the ordinary presumption that in the absence of a good reason change should not be permitted?
- c) If there would be harm to the significance of the church as a building of special architectural or historic interest how serious would that harm be?
- d) How clear and convincing is the justification for carrying out the proposals?
- e) In the light of the strong presumption against proposals which will adversely affect the special character of a listed building will the benefit outweigh the harm?

19) In considering the last question I have to bear in mind that the more serious the harm the greater the level of benefit needed before proposals can be permitted. I also have to bear in mind that serious harm to a church listed as Grade I or Grade II\* should only be permitted in exceptional cases.

### **Analysis of the Contentions.**

20) As I have already said the response which the Rector has provided to the objections has grouped the points made by the objectors under a number of headings and has set out the Petitioners' contentions in relation to those headings. I shall adopt those headings.

21) The first is that of musical suitability namely whether the Bevington organ is a suitable instrument for use in the chancel. This is a point adverted to by the Diocesan Advisory Committee and also by others in the letters of objection. It is apparent that the Petitioners have taken proper care to consider this point and have obtained advice both from those involved in the musical life of the church and from other experts. It is clear that it is legitimate for the Petitioners to believe that the instrument will be suitable for use in the chancel. It may well be a

question on which musical opinion will differ but there are proper grounds for believing that the organ will be suitable. Accordingly, I do not regard this as a factor operating against the grant of a faculty.

22) Some of the objectors question the financial consequences of the installation of the organ. The point in short is that there will be ongoing costs which might be substantial and that there are other matters on which the parish ought to be spending its limited funds. Other than in the most exceptional cases questions as to financial priorities are to be determined by the incumbent and the elected representatives of the parishioners rather than by the Consistory Court. This is not one of those exceptional cases where it would be appropriate for the Court to take account of the decision as to financial priorities. It is entirely legitimate for the Parochial Church Council and the District Church Council to take the view that the future costs of maintaining the Bevington organ will be affordable and that expenditure on such maintenance will be an appropriate use of their funds. Indeed given the quality of the music at St. Peter's and the important part which music plays in the church's life, worship, and mission I am able to say that expenditure on the acquisition and maintenance of a suitable instrument for use in the chancel would clearly be an appropriate use of the funds of the church.

23) The proposal involves the removal of a suite of pews from the chancel. The issue of the loss of seating capacity has been raised. The pews to be removed would provide seating for at most a dozen worshippers. There will be a loss of seating capacity but the Rector has estimated the seating capacity without these pews as being something over one hundred. I agree with that estimate. Moreover, Mr. Wright has set out the numbers who typically attend the services in the chancel. It is clear that even with the loss of these pews there will be ample capacity in the chancel on all but the most exceptional occasions.

24) The next category of concern relates to mission and outreach and this is really a variant of the point made about finance. The contention is that the church's effort and finances should be directed to forms of mission and outreach other than the production of high quality church music. That is, of course, a legitimate point of view but the question of whether it should be adopted is again a matter for the incumbent and the Parochial Church Council rather than for this Court. It is

entirely appropriate for those involved in leading St. Peter's to see the maintenance and enhancement of its tradition of excellent music as important aspects of its life, worship, and mission. Mr. Wright describes the musical life of St. Peter's as being "*at the heart of our mission both to those within [the church] and to those without*". That is not only a legitimate view but it is one which can be supported by reference to the achievements of St. Peter's in that regard.

25) Concern has been raised in respect of matters of procedure and transparency. It is suggested that inadequate publicity was given to the proposals and implied that this was in a desire to thwart or minimise opposition to them. I am satisfied that there was proper advertisement of the proposals. It is apparent that there has been ample opportunity for objection as is shown by the level of opposition not only from bodies such as the Victorian Society but also from individual objectors. It is right that I should emphasise here the point made above that a number of those who have written objecting to the proposal are clearly involved in the life of this church and are committed to its work. This is not a case where opposition comes solely from those whose involvement in the church is limited. Nonetheless, it is also clear that the substantial majority of those elected to represent the parishioners support the proposals and that there is real support from the general body of parishioners.

26) Mr. Wright characterised the remaining category of objections as relating to aesthetic considerations. However, that is to understate both nature and importance of these objections. Those who object do so by reference to the impact on the appearance of the chancel but they do not do so just because that appearance is to change. Underlying these objections are concerns about the impact on the historic and architectural integrity of the chancel and about the impact on its fitness as a place of worship. The contention is that the chancel will be changed from being very substantially as it was when built. Instead some of the original pews will be removed and a large organ taking up a substantial part of the space will be installed. This will impact on the integrity of the chancel and will mean that it will no longer have the same character or significance. Similarly it is said that the introduction of the organ will detract from the simplicity of the appearance of the chancel making it a less conducive setting for worship and in

addition reducing its value as a place where those worshipping can more readily become aware of God's presence.

27) In responding to this point on behalf of the Petitioners Mr. Wright accepts that it is "*clear beyond doubt*" that the introduction of the Bevington organ and the removal of a suite of pews "*will have a significant aesthetic impact on the chancel*". However, the Petitioners contend that this impact is both acceptable and justifiable in this case. As to justification the Petitioners rely on the importance of high quality music in the life of St. Peter's as explained above. As to acceptability the Petitioners say that there have been a number of changes to the appearance of the church over its life – pointing to the recent introduction of a nave altar and choir stalls standing behind it. They say that once installed the organ will to some extent blend into the background and that it will not obscure the view of those worshipping in the chancel.

28) The concession made by Mr. Wright as to the visual impact of the introduction of the organ is correctly made. There can be no doubt that the introduction of this large instrument will materially alter the appearance of the chancel. The eastern end of the south wall will be occupied not by a suite of pews and an electronic organ. Instead it will be occupied by an organ extending away from the wall to the same depth as the pews; being wider than the suite of pews; and having a height of 17'. That will undoubtedly detract from the current open and uncluttered appearance of the chancel. The introduction of the organ will also impact on the architectural and historic significance of the chancel which will no longer retain its character as a substantially unaltered Nineteenth Century work. In that regard the fact that the Bevington organ also dates from the Nineteenth Century does not alter the nature of the harm to the chancel's character. Whether these adverse impacts are outweighed by the potential benefits is the key question in this matter and I will now turn to that.

### **Conclusion.**

29) I have to consider this matter in the light of the guidance provided in *Duffield: St. Alkmund* as set out above. I have to be conscious of the strong presumption against changes which have a significant adverse impact on Grade 1 listed church. There will be a significant adverse impact here. Is that adverse impact

outweighed in the circumstances here by the benefit to be achieved? There is a benefit which would be achieved. I have already indicated that I accept the importance of high quality music in the life, worship, and mission of St. Peter's. The introduction of a pipe organ into the chancel to enhance that musical work and to contribute to its continued sustainability would be a real benefit. It would be a move of undoubted importance for the life and work of the church. I also accept that refusal of the Petition will mean that there would be difficulties in sustaining that musical work. A replacement organ will be needed, sooner rather than later, and finding the funds for such an organ will be difficult. However, I am not convinced that the task will be impossible. The introduction of the Bevington organ is one way of addressing the problem but not necessarily the only way. I do not overlook the fact that the Bevington organ will be introduced free of charge and it would be unrealistic to pretend that this was not a real benefit. However, that cannot be determinative of the matter. The argument that a particular object is being provided free of charge cannot justify the introduction into any church of an object which is not otherwise suitable let alone the introduction of such an object into a Grade 1 listed church. Here the impact of introducing the Bevington organ would be grave. The problem lies in its size. There would be unlikely to be any ground for refusing a petition to introduce a small pipe organ occupying the location of the current Makin instrument even if that replacement were to be noticeably larger than Makin organ. The current proposal goes very much beyond that. It is a proposal to introduce an object which will occupy a substantial space and which will materially detract from the appearance (indeed from the beauty) of the chancel. It will have a significant adverse impact on the chancel's special character. I am driven to the conclusion that the benefits to be achieved, real and important though they are, do not justify that step. Accordingly, the Petition must be refused.

STEPHEN EYRE  
CHANCELLOR  
24<sup>th</sup> August 2013