

IN THE CONSISTORY COURT OF THE DIOCESE OF LIVERPOOL

SIR MARK HEDLEY, CHANCELLOR

RE: ALL HALLOWS, ALLERTON

Judgment

1. I have before me two petitions from the vicar and church wardens on behalf of the PCC. The first petition seeks a faculty to authorise the following work – “to remove and dispose of two pews from the front of each side section of pews and relocate the pew frontals; to remove and dispose of three pews from the rear of each section of pews; to remove pew platform, level floor and re-carpet; to remove redundant piping from centre aisle; to remove and dispose of redundant parts of the existing sound system; to relocate sound desk to rear of pews (following pew removal detailed above); to install new sound desk equipment and audiovisual equipment as detailed in the specification prepared...”. The second petition seeks a faculty to authorise the introduction of a circular votive candle stand. On 22 July 2013 I directed that these two petitions should be heard together. It is important to emphasise that each individual piece of work requires individual consideration.

2. The first petition attracted a number of objections from established members of the congregation. The second petition attracted one objection from an established member of the congregation. No objector has sought to become a party opponent in these proceedings but each has invited me to take their objections into account in considering this matter. English Heritage, the Victorian Society and the local authority make no objection to and broadly

support the scheme of work in the first petition especially once the plans were varied slightly to take account of the matter raised by the Victorian Society.

3. I have conducted an inspection of this church and subsequently gave directions for trial. No objector or any of the statutory bodies wished to give oral evidence and all were content to rely on their written representations. After further consideration the applicants submitted some further written representations and indicated that they were not seeking an oral hearing but were content for the matters to be dealt with under Rule 26 on the basis of written representations. Having considered the matter in the light of my inspection, I have concluded that what divides people in this case are matters of opinion and that there is no dispute in respect of any of the material facts. Accordingly I have concluded that this is a case which it is proper to resolve on the papers and it is on that basis that this judgment is now given.

4. All Hallows Church was founded in 1872 and consecrated in 1876. It stands in one of the more prosperous areas of South Liverpool and is of Victorian Gothic design. The principal benefactor was John Bibby, a distinguished Liverpool businessman and merchant. The church is constructed of red Woolton rock faced sandstone and the roofs are of blue Welsh slate with red terracotta ridges. The tower is of the Somerset type with angle buttresses and an embattled parapet with pinnacles at angles and smaller side pinnacles. The interior of the church is particularly fine both in terms of construction and decoration. Its particular distinction lies in its stained glass windows designed by Edmund Burne-Jones and made by William Morris and company. This church is unique in that 14 of its 15 windows come from this source and form one of the finest collections of stained glass in the country. These matters have resulted in this church receiving grade 1 listed status.

5. In dealing with the applicants' case, it is necessary to consider the work in five different categories: first the removal of the pews; secondly the covering of the floors; thirdly the installation of screens and projectors; fourthly the proposals in respect of the sound system; and fifthly the question of the votive candle stand. Clearly there is significant overlap both in the arguments for and against but, although that is recognised, it does not relieve the court of the obligation to consider each aspect separately.

6. I turn then first to the question of the removal of pews. The essential motivation is to increase the flow of movement within the church. At the moment those in wheelchairs and with pushchairs and the like are in effect confined to the rear of the church where an area does exist for their use. It would be good if they were able to use the front area as well. Moreover, the worship and tradition at this church has, as it were, moved forward from the sanctuary into the nave. There is a desire to use music groups, drama as well as placing a Table for the Eucharist and enabling the Ministry of the Word to be exercised at the front. At present there is really insufficient room for these things to happen. Likewise it is desired to enable catering to take place at the back after the service and again there is insufficient room at the present time. It is right to observe that over the years a number of changes have been authorised in this building so as in effect to make it more user friendly and more accessible. Those matters have been undertaken with care and it is argued that this is merely a further step along that path. Pews with real significance are being retained and, where necessary, moved to ensure that those removed (if such be allowed) are those of the least significance. It is pointed out that no heritage body has any objection to these proposals. Moreover they have been recommended by the DAC.

7. The proposal so far as flooring is concerned is to proceed by way of carpeting and, for the purposes of ensuring uniformity, re-carpeting where necessary. The Victorian Society have expressed a preference for hard flooring as being more in keeping with the nature of the building. Such flooring would be more expensive but not greatly so in the context of the overall cost of the scheme. The applicant's answer to this is that there is already significant carpeting and that it would be undesirable, and may even cause hazard, to have other parts dealt with by hard flooring. The removal of the pews, if authorised, would require some levelling of the floor and the only issue that has been raised in relation to that relates to archaeology.

8. The proposal to put up screens is what is now a fairly conventional one with the screens being arranged in such a way that when not in use they will be effectively invisible. The same applies to projectors. Of course whilst in use during a service they would be very visible and would impact on the sight line of any member of the congregation. It is desired to do this partly to save the

weekly preparation of large quantities of paper and partly because of the flexibility that such a system gives in terms both of worship and teaching. There is also a proposal to overhaul the sound system which seems of itself to receive universal support.

9. The proposal in the second Petition is to introduce a votive candle stand. This has attracted one objection whose basis is partly aesthetic and partly doctrinal. The candle stand is to be provided as a gift and is designed to be one way of facilitating intercessional prayer. Such a stand is now quite a common feature in Anglican churches though perhaps less usual in churches of the tradition of All Hallows.

10. The objections to all these proposals have been carefully set out in writing and are made by regular members of the congregation whose views, as the applicants acknowledge, require careful consideration. So far as the works in the first petition concerned, the fundamental objection is that they will substantially harm the significance of this outstanding grade 1 church which has been bequeathed by the efforts and sacrifices of a previous generation and of which this generation, as stewards, should be careful to pass on to the next. In the view of the objectors these matters take precedence over modern needs of worship (as seen by others) and that the pastoral needs that have been raised can be adequately met either by greater use of the church hall or within the present church setting without the disruptive works proposed. I should add that the updating of the sound system does, however, command general support.

11. The individual objection to the introduction of the votive candle stand is, as I have said, partly aesthetic and partly doctrinal. The question of aesthetics is essentially one of judgment but the doctrinal issue is more difficult particularly, where, as here, it may well represent a move from the traditional ethos of this church. However, the point is made that this is merely one aid to prayer and is intended neither to be central, let alone obligatory, nor indeed to be required to be called a votive stand. I do not think that anyone will be assisted by a detailed examination of the doctrinal factors in issue; it is sufficient to recognise that it may be seen as a step outside the tradition of this particular church but that has to be balanced against the fact that such a stand, intended

to facilitate intercessory prayer, is a far from an uncommon feature of modern Anglican churches.

12. Before I come to consider the competing merits of the submissions, it may be helpful to outline the law which I am bound to apply. It is common ground that all the work the subject of these proceedings cannot be undertaken without a faculty. It is also common ground that having regard to the grade 1 status of the church a strong case will need to be made for change and, the more the change impacts on the significance of the building, the stronger will have to be the case in support of it. These matters have recently been considered in the Arches court of Canterbury in the case of *in re St Alkmund, Duffield*. That decision is effectively binding on me. In paragraph 87 of the court's judgment there is set out a framework of questions which should govern the approach of chancellors in individual cases – (1) Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest? (2) If the answer to the first question is no, the ordinary presumption in faculty proceedings “in favour of things as they stand” is applicable and can be rebutted more or less readily depending on the nature of the proposals. (3) If the answer to the first question is yes, how serious would the harm be? (4) How clear and convincing is the justification for carrying out the proposals? (5) Bearing in mind that there is a strong presumption against proposals which will adversely affect the special character of the listed building, will any resulting public benefit outweigh the harm? In answering this question, the more serious the harm, the greater will be the level of benefit needed before the proposal should be permitted. This will particularly be the case if the harm is to a building which is listed grade 1... where serious harm should only exceptionally be allowed.

13. The court is not bound by the secular regime in respect of listed buildings. However, in paragraph 39 of this judgment the Chancellor is reminded that secular regulation should be specifically taken into account in as informed and fair a manner as reasonably possible. In the context of this particular case, I am not sure that that adds significantly to the tasks that I have set out in the preceding paragraph.

14. It seems to me that the critical question in this case is the first of those set out above namely, whether the proposals, if implemented, would result in

harm to the significance of the church as a building of special architectural or historic interest. It seems to me that the objections in this case principally focus on this issue. It raises the fundamental tension in these cases namely that between a stewardship of the heritage of the past with a view to passing it on to the future on the one hand against the need for a church to remain a living building serving the pastoral and mission needs of the day. I have considered this with great care taking into account all that is urged by the applicants and the objectors and the observations of the heritage bodies informed by my own inspection of this very fine church.

15. My conclusion is that these works will have an impact on the significance of the church but only to a very minor extent, an extent which I do not think can properly be characterised as harm. The pews themselves are not features of particular significance in this church and, in any event, the substantial body of pews will be left untouched. The greater glories of this church, in particular its internal architecture, decoration and design along with its stained glass are wholly unaffected by these proposals, save in respect of the effect of the screens when in use during the service. This has to be seen in the context of previously authorised work in the church which means that there are many aspects of the church which are quite different to the position 100 years ago.

16. That does not of course relieve the applicants of the necessity of overcoming the ordinary presumption against change in such a building. They seek to do so on the basis of creating space at the front and the back which they say is essential to develop the ministry and mission of the church in the area as they understand its current needs to be. They point to previous changes which have been authorised on that basis and they point to the lack of objection from the heritage bodies and the approval of the DAC. I am also fully aware that developments such as this are now quite common in churches and that the proposals for the use of both the front and the back of the pew area is by no means unusual. This is a church which has been well cared for over the years and matters raised by the heritage bodies have been carefully considered and accommodated where it is consistent with the overall scheme.

17. In my opinion the applicants have succeeded in convincing me that this is a change which ought to be permitted. I am persuaded that the current mission and pastoral needs which the church wishes to address provide compelling

grounds for the changes sought, particularly where, as here, there are no heritage objections and the overall impact is modest. On much the same grounds I conclude that the screens should be permitted as their impact is limited to the times whilst they are in actual use in the course of worship or other church session. I can see the reasons for which they are required, they are perfectly good reasons and I am satisfied that their impact on the significance of this church is minimal. As I have said, no one objects to the changes in the sound system which I am entirely happy to authorise.

18. So far as the flooring is concerned, I am persuaded that the proposal to carpet is the one to be preferred. I see the force of the views of the Victorian Society but I am impressed by the fact that there is already carpeting in place which was the subject of an earlier approval. Accordingly I propose to authorise that work. It follows that I have decided to authorise all the work contained in the first petition.

19. I have considered carefully the issue in relation to the votive candle stand. In my view this is properly to be regarded as merely an aid to prayer and not as a central liturgical feature in the church. What I propose to do is to authorise the introduction of a stand for the purposes of assisting prayer such to be of the nature offered for supplied by Kevin Mayhew, Church supplies.

20. The faculties will, however, be granted subject to conditions. First, the applicants are to inform the local authority in the event that any archaeological remains are discovered during the works. Secondly, the applicants are to make a photographic record of the church as it is before the works are undertaken and to supply a set of the photographs to the Registry and to ensure that a set is retained with the parish records. Thirdly, the works hereby authorised are to be completed within a period of 18 months from the date of faculty.

MARK HEDLEY
29th October 2013