

In the Consistory Court of the Diocese of Winchester

In the parish of Andover

In the church of St Mary

In the matter of: Re-ordering of the Chancel and the Nave to include some pew removal and relocation of the font.

JUDGMENT

INTRODUCTION

1. St Mary's Andover is a beautiful historic church building, now listed at grade II*, which as well as being a parish church serves as the civic church for Andover. It was built in place of an older church on the same site in the mid-19th century and extensively refurbished under the direction of the architect William White. Further alterations have followed. It is now at the beginning of a new chapter of its life as a 'Resource Church', and as part of plans to revitalise the life of the church permission is sought to make various alterations to the interior.

THE PROPOSALS

2. The Petition lists the following items of work, which I have numbered for ease of reference:
 - a. Removals
 - i. Removal of existing modern doors between tower and nave
 - ii. Removal of temporary staging from Chapel to reveal 1950s floor
 - iii. Removal of infill to door opening to south of tower base and restore traditional doors
 - iv. Removal [of] all existing carpet to nave and chapel areas and tower base, exposing 1950s flooring
 - b. Re-ordering of Chancel
 - i. Lower choir stall and rail made removable and adjusted for free standing use (cut out section of stall for step to be filled to make level).
 - ii. Chancel floor to be raised by 1 step to align with level to rear (existing choir stall platform level) with a light / raw oak finish, all in a reversible manner.
 - iii. 2 no. loose choir stalls and rails to be used either in existing location at new level or to flanking sides of chapel.
 - c. Re-ordering to Nave and Transepts
 - i. Font relocated to west tower or to centre of western bay
 - ii. New carpet to historic pew platform / timber floor areas to east section of Nave
 - iii. Reconfiguration of west end WC facilities to provide accessible WC and parent facility
 - iv. Kitchen to be refurbished for improved catering offer
 - v. New draft / fire lobby to be introduced under the tower to be made from timber with a glazed infill.

- d. Furnishings
 - i. Removal of most of the pews in the Nave, to be replaced with new stackable seating in light / raw oak finish.
 - ii. 12 pews will be retained to be relocated and used in the south transept.
 - e. AV
 - i. Remove existing adjustable projection screen
 - ii. Remove/adjust existing screens on pillars
3. Earlier iterations of the scheme proposed the creation of full height screens at the west end of the church to screen the kitchen and form an enclosed room on the south side of the church, mirroring the kitchen. This controversial aspect of the proposals has not in the event been included in the works applied for.
 4. Further details of the proposals are provided in a design statement dated April 2019 and incorporated by reference in the description of works in the petition. This makes clear that the proposals include, as part of the re-ordering of the chancel, the removal of a rear secondary choir stall to the east of the pulpit and installation of a new reversible timber finished access ramp to platform/altar/sanctuary. In addition, the provision of new oak framed glazed doors to the south porch. Furthermore, the Petitioners most recent plans show the sound desk relocated to the south aisle (rather than to the main gallery as had been suggested before). I am satisfied that these three aspects of the proposals are within the scheme applied for, and that no prejudice has been caused by the failure to refer to them specifically in the description of the works in the petition/public notice.
 5. I have not considered the provision of a new stair and external door to the north, as this is not referred to in the petition or public notice, and is expressed on the plans to be “for initial DAC consultation only”. As far as the west doors are concerned, my understanding is that under the proposals now applied for they would be retained in their current form with a separate set of internal oak framed doors installed. This change was made in response to concerns raised by the local planning authority (“LPA”) on 14 May 2019 about the previous proposal (which involved reversing the hinges of the doors so that they would open outwards) and I understand addresses those concerns.

PROCEDURE

6. I made an initial visit to the church, with the Deputy Registrar and Registry Clerk, on 27 February 2020. At that stage, the Victorian Society (“VS”) was a Party Opponent. Whilst the VS had indicated that it would be content with a determination on the papers, the Petitioners required a hearing to enable them “to fully communicate our rationale for change *in situ* and avoid the risk of failing to achieve this in written form”. I had also formed the view myself that a hearing would be necessary. I therefore gave directions for the exchange of evidence and a contested hearing in April/May.
7. Subsequently on 12 March 2020 the VS wrote to withdraw as Party Opponent on the basis that they had insufficient resources to continue, but maintaining their firm objection to the scheme. This prompted the Petitioners to seek determination of the matter by way of written representations. I refused this request on 18 March 2020 because the rationale for holding a hearing – to understand the Petitioners’ case – had not changed. I made revised directions for a hearing.

8. In advance of the hearing, I indicated that I would need to explore the following issues with the Petitioners:

- (1) The assessment of the significance of the church, which seems too low given that it is a listed building.
- (2) The reasons for the change in listing grade. I am not able to access HE's report on this topic and if it is not in the bundle I will need to be provided with a copy of it.
- (3) The effect of the change in the listing grade on the assessment of significance. At present it seems as though it has made no difference, which is surprising.
- (4) The importance of the furnishings in the overall significance of the church, given that the main value of the church seems to reside in its aesthetic/architectural qualities and particularly those of the interior.
- (5) The extent to which the proposals are consistent, aesthetically and architecturally, with the existing character of the church, in particular:
 - a. The proposals for the west¹ end;
 - b. The proposals for carpeting the majority of the nave/crossing. The use of carpet goes against CBC guidance (on aesthetic grounds) and it is surprising to see it proposed in a grade II* church.
- (6) The extent to which the ramp to the sanctuary would still be feasible and useful without the wooden platform proposed;
- (7) The extent of the need for the wooden platform, in particular:
 - a. Why the worship band cannot continue from their present location, perhaps on a more permanent and aesthetically appropriate platform;
 - b. Whether the issues for visiting groups would be ameliorated by flexible seating in the nave;
 - c. Some sense of the scale of the loss to the church (in terms of number of events, amount of revenue) if not;
- (8) The acoustic need for carpet. This is referred to but I do not think I have any details.

9. A hearing was held using 'Zoom' videoconferencing technology on 16 April 2020, pursuant to the court's power to "hold a hearing and receive evidence... by using any other method of direct oral communication" (Faculty Jurisdiction Rules 2015, r18.1(2)(e)), and without objection. At the hearing I was addressed by Miss Arlow of counsel on behalf of the Petitioners and heard evidence under oath from the Reverend Chris Bradish and Mr Neil Burton. Although I had invited a representative of the Victorian Society to attend the hearing, in the event no-one did attend. I visited the church on 21 April 2020; consistent with government guidance on social distancing the church was simply left open for me and I visited alone without meeting or interacting with anyone at any stage of the visit. I am grateful to all parties for their assistance in making these novel arrangements work in a manner which was both safe and practically effective.

¹ As I explained at the outset of the hearing, the reference to 'west' here was an unfortunate typographical error; in fact my particular concern was about the east end. The Petitioners confirmed that they were happy to proceed with the hearing following a short adjournment to allow them to discuss this matter, which I granted.

LEGAL FRAMEWORK

10. In her written submissions Miss Arlow helpfully set out the framework for the court's consideration with reference to *In Re St Alkmund, Duffield* [2013] Fam 158 and *Re St John the Baptist, Penshurst* [2015] PTSR D40. Paragraphs 21 and 22 of the *Penshurst* judgment set out the guidance of the Court of Arches, as follows:

21. For those chancellors who would be assisted by a new framework of guidelines, the court suggested an approach of asking:

“(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 question (1) 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 particular nature of the proposals.....Questions 3, 4 and 5 do not arise.

(3) If the answer to question (1) 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 character of a listed building....., will any resulting public benefit (including matters such as liturgical freedom, pastoral well-being, opportunities for mission, and putting the church to viable uses that are consistent with its role as a place of worship and mission) outweigh the harm?

In answering question (5), the more serious the harm, the greater will be the level of benefit needed before the proposals should be permitted. This will particularly be the case if the harm to a building which is listed grade I or II*, where serious harm should only exceptionally be allowed”.

22. We make four observations about these questions: (a) Question (1) cannot be answered without prior consideration of what is the special architectural and/or historic interest of the listed church. ... (b) In answering questions (1) and (3), the particular grading of the listed church is highly relevant, whether or not serious harm will be occasioned. ... (c) In answering question (4), what matters are the elements which comprise the justification, including justification falling short of need or necessity (see *Duffield* paras 85-86). ... (d) Questions (1), (3) and (5) are directed at the effect of the works on the character of the listed building, rather than the effects of alteration, removal or disposal on a particular article.”

11. On the subject of enhancements to the significance of the building, Miss Arlow asked me to follow the approach of Briden Ch in *Re Bath Abbey* [2017] ECC B&W 1 at [17] and to take account of these enhancements as part of the justification to be weighed in the balancing exercise contemplated by *Duffield* questions 3, 4 and 5, rather than in a separate ‘heritage balance’ under question 1. I am not sure that this is the right approach but as the point has not been argued and as the approach she proposed is, if anything, less favourable to the Petitioners, I am content to adopt it for the purpose of these proceedings.

OBJECTIONS

12. As will already be apparent, I had before me objections from the VS and the LPA. I also received objections from Historic England (“HE”) and from Dr Gill Hunter, the author of *William White, Pioneer Church Architect* (2010). None of these parties ultimately wished to be Parties Opponent to the scheme. I summarise their written objections below. It is also pertinent to record here that the VS was prompted by the present proposals to apply for re-designation of the church as a grade II* listed building (it had formerly been listed at grade II). This re-designation was effected pursuant to a report from HE dated 7 January 2020, which was itself the subject of some discussion at the hearing (on which, see my summary of the Petitioners’ case below).
13. The VS’s initial objection, dated 12 November 2019, drew attention to the “tiled floors throughout” which were said to be “notable for their richness, kaleidoscopic quality and great aesthetic interest. This is most evident in the chancel, where the floor is dazzling and hugely characterful”. The chancel as a whole was said to be a high quality, impressive and integrated ensemble. The nave benches, whilst less ornate, were argued to be “no less unusual (the nature of their joinery is extremely novel)” and a part of William White’s holistic vision of the church interior, contributing greatly to the internal character and appearance of the church. The Petitioners’ need case was found to be insufficiently evidence-based to justify the “highly damaging” proposals. Specifically, it seems to me, the VS was most concerned about the proposals for the chancel, but also retained serious concerns about the removal of the nave benches and the use of carpet.
14. In a further letter dated 20 December 2019 the VS reaffirmed that in its view, enough of White’s refurbishing scheme survives to “preserve its overall legibility, integrity and its major contribution to the interior”. The new letter regretted the failure to prepare an options appraisal in respect of the proposals for the chancel, and floated the possibility of adding a dais to the west of the chancel to provide more space.
15. In respect of the nave benches, the VS invited the Petitioners to present similar examples from elsewhere if any existed. However, the letter again proposed a compromise of retaining White benches in both the north and south transepts.
16. Finally as to the carpet the VS indicated that it remained opposed to this as a “carefully treated timber floor could be perfectly serviceable and aesthetically appropriate”.
17. Dr Gill Hunter wrote to support the VS’s objection “based on the quality and importance of the internal furnishings designed by William White in 1871”. Her letter (19 December 2019) provides an eloquent description of White’s work at St Mary’s, evoking a “cohesive design... all encompassed by the vibrant tiled floor” which also “draws into the design the superb wooden benches for the congregation”. The benches are said to be “quite exceptional” and to be “precursors of the Arts and Crafts aesthetic”. She concludes by advising me that “there is no other church of the size and grandeur of St Mary’s, Andover, with such a complete ensemble of [White’s] fine church furnishings”.
18. The LPA endorsed the VS’s objection (24 December 2019). It also submitted its own objection (14 May 2019) which acknowledged that the proposal would undo some

unfortunate past alterations, but drew attention to elements of the scheme said to be harmful: removal of pews/benches and alterations to the chancel and fittings. The latter were said to “significantly further erode White’s composition” in this area.

19. HE, although objecting to elements of the scheme, has taken a different approach to that adopted by the VS and LPA. HE’s helpful initial advice (15 August 2019) described the proposals for the chancel as “a considered and reversible approach in principle (subject to finishing details), that offers the beneficial knock-on-effect of allowing the platform within the side chapel to be removed, so this area and the monuments within it, can be better appreciated”. The chancel works were therefore ‘non contentious’.
20. HE’s objection in this and its later letter (21 October 2019) focussed on the pews/benches and carpeting. Although retention of some pews would allow White’s reordering to remain legible, the loss of the pews in the main body of the church combined with carpeting would have a significant impact on the historic character and special interest of the church. This harm was not subject to any clear and tangible justification, and options such as partial pew removal or making the pews moveable had not been seriously explored. Carpet would “heavily contrast and disrupt the harmony of the church’s interior character” causing unnecessary harm. Wooden or stone flooring would better complement the historic flooring down the central aisle and the highly significant church interior as a whole.
21. I am grateful for the contributions from all the objectors and have taken their full representations, only briefly summarised here, into account in making my decision.

CASE FOR THE PETITIONERS

22. The Petitioners have prepared a comprehensive and thorough case in support of their proposals, culminating in the production of helpful evidence from the Reverend Chris Bradish and Mr Neil Burton of the Architectural History Practice Ltd.

Effects on the building

23. The Statement of Significance dated April 2019 helpfully records the principal stages in the building’s history. It was built between 1840-1846 to replace a medieval parish church on the same site; a redevelopment proposal more drastic than anything that is or could now be contemplated. The floor of the medieval church may have survived in the crypt of the new, and various wall monuments were transferred. The new church was paid for by a Dr Goddard, who appears to have taken a close interest in its design, and planned by Augustus Livesay. Unfortunately parts of the new church collapsed during construction in 1842. This led to the involvement of the architect Sydney Smirke to oversee the work; he was also responsible for the completion of the tower, without the spire originally proposed.
24. The next phase in the development of the church, in the 1870s, was overseen by William White. The church was originally seated with box pews. These were replaced with open benches apparently to his design. White also created the chancel (raised and ‘elaborately tiled’ floor, stalls, pulpit, walls). At the west end, the arched door opening into the tower at ground level was widened and a new font (again to White’s design) was set beneath the tower. In short, the interior was comprehensively remodelled under White’s direction.

25. Later amendments to White's interior include the following primary developments: (1) the creation of a memorial chapel in the north transept (1950s) (2) the overpainting of decoration on the chancel walls (1959) (3) font moved to south transept (1968) (4) replacement of chancel walls with new communion rails, choir stalls cut back/removed (1986) (5) creation of kitchen and lavatory accommodation at west end (1986) (6) proportion of benches in the nave removed, platforms renewed and remaining benches detached (C20th).
26. The Petitioners' Statement of Significance draws on the 2008 English Heritage document, *Conservation Principles*, to give the following summary of the heritage values of the church, which together make up its significance. Significance is graded on a scale from 'negative/intrusive' up to 'exceptional'. The following elements of significance/value may be summarised²:
- a. Considerable archaeological significance as an ancient settlement site;
 - b. Some evidential value by reason of the retention of fittings from the 1870s;
 - c. Some historical value by reason of its history and associations with Goddard, Livesay, Smirke and White;
 - d. Considerable aesthetic value/architectural significance by reason primarily of its "sensational" (*Buildings of England*) interior with elaborate detailing derived from Salisbury Cathedral, and good quality fittings designed by White "an original and well-regarded church architect".
27. The Statement concludes that the church is "of considerable historic and architectural interest". It goes on to note detracting elements, primarily:
- a. The creche within the base of the tower, which prevents the original main west entrance from being used as intended;
 - b. Temporary staging in the south chapel which compromises the view of the Venables monuments, among the most important in the church;
 - c. Modern carpet finishes concealing historic stone and tile floor finishes, most notably in the base of the tower;
 - d. Kitchen/heating system opposite south door which is now the main entrance.
28. A Heritage Impact Assessment of June 2019 is entirely consistent with the Statement of Significance in its assessment of the significance of the church; unsurprisingly as both documents were written by Mr Burton. The impact of the proposals is summarised as follows:
- a. The chancel has "already been considerably altered and its Victorian character has been diluted". The proposed alterations would result in further (reversible) change, but no loss of historic fabric. Choice of flooring may mitigate the change (at the time, tiling of the new floor was apparently still under consideration);
 - b. The removal of the temporary platform in the south side chapel will be wholly beneficial, allowing better appreciation of the monuments, as will the relocation of the font nearer to its original location;
 - c. The removal of the nave benches is "a matter of some regret" because they are "so characteristic of church interiors in general". Furthermore, these particular

² There is also reference to the 'communal value' of the church but I do not find that a particularly helpful category in the context of the present assessment. There is no question of the building losing its essential character as a church, which is the source of its communal value, whether the works are permitted or not.

benches are “certainly of some historic interest... and have some design merit in their own right”. On the other hand, they are not outstanding and the original configuration has already been considerably eroded. It would be desirable to retain some of the benches in the church;

- d. The introduction of carpet and light-coloured stacking chairs will change the character and appearance of the nave and aisles such that they are noticeably more “modern-looking”;
 - e. The restoration of the west door as a principal entrance is to be welcomed. The accompanying arrangements for a lobby, whilst needing further consideration as to the monuments to be moved, is sensible.
 - f. The new location for the font is more traditional and will allow the design quality of the font to be better appreciated.
29. Overall in terms of harm, the HIA concluded in effect that little would be lost by the changes to the chancel. Any change in appearance could potentially be ‘mitigated’ by the choice of surface finish. The removal of the nave benches was “the most significant of the changes proposed”, and was “certainly regrettable”. It is the only non-reversible alteration to the church. It could be mitigated to some extent by the retention of some benches in the church. As a package, the measures would cause “less than substantial harm” to the significance of the church in terms of the National Planning Policy Framework.
30. Following the completion of the HIA, the church was re-graded on or around 7 January 2020 as II* by Historic England. This means that it is assessed as being a ‘particularly important building of more than special interest’, albeit not of the exceptional special interest implied by listing at grade I.
31. Mr Burton helpfully prepared an expert witness report in March 2020, pursuant to my directions. Entirely understandably, and helpfully, this largely amounted to a review of the two documents he had already prepared. He remained of the view that the levels of significance he had attributed were appropriate, despite the change in listing grade of the building. The relevant levels of value were as follows:
- Exceptional - important at national to international levels
Considerable - important at regional level or sometimes higher
Some - usually of local value only but possibly of regional significance for group or other value
32. He synthesised his earlier conclusions into an assessment that the church and its fittings were of *some* evidential and historical value and *considerable* aesthetic/architectural value (and communal value, which I have already said I do not find a particularly helpful category in the present context).
33. I put it to Mr Burton at the hearing that he was thus undervaluing the significance of the building. In particular, it seemed to me that the reason for the recent upgrade to the listing category of the building was on account of a reassessment of the significance of White’s furnishings.

34. The designation report starts from a presumption that a building from between 1700 and 1850 will have a grade II listing, and notes that “Reasons for upgrading to Grade II* may include the quality of fittings... with regard to alterations, changes to furnishings, fittings and decoration often provide the only evidence of successive phases of patterns of worship and patronage”. It goes on to contrast St Mary’s with another Livesay church of similar date, Holy Trinity, Trowbridge. Holy Trinity is listed at grade II*, but “is smaller in scale and does not have the same richness of interior fixtures, either in terms of C17 funerary monuments or the bespoke William White pulpit, chancel and font”. It refers to the assessment of the interior by Pevsner as “sensational” and credits White with the “majority of the fixtures and fittings”. This was “his first, large-scale cohesive scheme, including the chancel screen, pews, pulpit, font, choir stalls and communion rail, all encompassed by the vibrant tiled floor to form the focus of worship in the approved Ecclesiology style of the day. The continuation of the tiling as borders to the wooden floor of the nave draws into the design the bespoke wooden pews for the congregation... Although there are several, small, White churches complete with furniture to his designs, there is no other church of the size and quality of the Church of St Mary.” It will be noted that in this respect the report appears to reflect the comments of Dr Gill Hunter summarised above.

35. The report concludes as follows:

In summary, the Church of St Mary's large-scaled, disciplined elevations, idiosyncratic plan and the richness of the interior phasing by Frederick Livesay, Sydney Smirke and particularly William White, confers greater architectural distinction than that which is typically seen in early-Victorian churches, listed at Grade II. Furthermore, the successive updates to the interior are witness to the changing patronage and liturgical trends. In addition, the church contains a number of funerary monuments from the early C17, and is built over a C12 crypt. Overall, the Church of St Mary, Andover has more than special interest and is recommended for upgrading from Grade II to Grade II*.

36. Among the reasons for designation was the following:

Architectural interest:

...

) successive phases of fine quality decoration, fixtures and fittings, particularly by William White, have endowed the church with a rich and dramatic interior;

37. It seemed clear to me that the architectural and historic interest (or, to put it in the language of the old English Heritage guidance, aesthetic and evidential value) of the surviving elements of White’s interior were thus key considerations in the upgrading of the rating to II*. This reading is apparently at odds with Mr Burton’s conclusion in his own report to the effect that White’s “fittings certainly enhance the considerable

architectural and aesthetic significance of the church, but the building would still be worth a Grade II* listing without them”.

38. Mr Burton’s response was that he had always been of the view that the building merited listing at grade II*, although this had not been mentioned in his earlier reports. Accordingly there was no need to change his assessments of significance when the grade of listing changed. He said he had reservations about the ‘significance assessment’ process and, for his part, would prefer simply to work from the list grading. However, he maintained that within the significance assessment process it was not correct to assess every listed building as being of exceptional significance. Some parts are of more national importance than others. As regards the specific reasons given by HE for upgrading the listing, he accepted that there might be a difference of view between himself and HE. Although White’s arrangements in the chancel could be regarded as a “striking enhancement” (primarily by reason of the introduction of various “art objects” – the pulpit, walls, gates and angels), he did not see the benches as adding any particular richness or drama to the interior.
39. Mr Burton was unable to contradict Dr Hunter’s claim that St Mary’s is unique in terms of a surviving White refitting scheme of this scale and grandeur, and said he would have to defer to her expertise. However, he doubted whether size was particularly important in categorising White’s interior. He had seen no evidence that White’s interior at Andover was considered to be of any particular importance by his contemporaries, and noted that it attracted mention only in the gazetteer of Dr Hunter’s book. In response to questions from Miss Arlow he explained that White was extremely prolific, re-ordering 20 churches in the 1870s, all of which were given new floors, pews, pulpits and fonts to his designs. The tiled floor at St Mary’s Andover was good but not unique or exceptional, and the benches likewise. An illustration in Dr Hunter’s book of St Saviour’s Aberdeen Park (refitted by White some ten years before St Mary’s) showed very similar bench ends. The overall White arrangement at St Mary’s had been so heavily modified that it now lacked visual coherence. In some respects, it would be an enhancement to open up views towards the east end by moving White’s choir stalls.
40. Overall, Mr Burton summarised his assessment of harm as follows:
- a. Boarding over the tiled floor in the chancel would cause “minor” harm;
 - b. Moving the chancel stalls would cause “minor” harm;
 - c. Removing the nave benches would cause harm that was ‘less than substantial’ but “towards the more harmful end” of that bracket.
41. Considering these harms either cumulatively, or individually, he did not think that the level of harm was substantial in an NPPF sense. He did not think that the introduction of carpet need be aesthetically harmful as the scale of the church and a careful choice of colour for the carpet would prevent it from creating the domestic appearance deprecated in the relevant CBC guidance.

42. Miss Arlow drew particular attention in her closing submissions to the various enhancements that the proposals would provide to the significance of the building, namely:
- a. The removal of staging from and the resetting of the south chapel, returning it to use as a chapel and transforming the access to and setting of the important 17th century memorials there;
 - b. The re-pewing of the south transept, restoring an uncomfortable, ill-used area of the church to its original context and restoring its symmetry with the pewed north transept;
 - c. The removal of the unsightly pink carpeting, exposing the historic floor beneath, including the tower flagstoned floor and the decoratively tiled aisles;
 - d. The relocation of the font to its traditional, and close to its original, position;
 - e. The return of the west doors to their original use as a main entrance, emphasizing the linear grace of the building; and
 - f. The west draught lobby reinstating something approximating the arrangement at the west doors introduced by White in 1871.

Justification for the proposals

43. St Mary's has now launched as a Resource Church. Accompanying this designation is a large amount of funding and a correspondingly ambitious vision to grow the worshipping community, particularly by reaching the so-called "missing generations" (that is, the under 40s and particularly 11 to 25 year olds).
44. The implementation of this vision requires the church community to carry out various activities, some of which are currently impossible or unduly difficult as a result of the current internal ordering of the church. I can summarise these aspirations by reference to worship, mission and finally cross over issues (accessibility and acoustics).
45. In terms of worship, there is a desire to expand the offer of 'contemporary' worship music – that is, worship led by a band rather than a choir/organ. The Petitioners' documents stress that this is important in attracting the younger demographic they wish to encourage. Photographs also submitted by the Petitioners show that such worship is in fact possible from the chancel at present (including using a drum kit); however the space is crowded and it is difficult to transition between the 'traditional' 0830 service and 'contemporary' 1030 service without ramped access to the chancel. Mr Bradish explained that the south transept is not a satisfactory alternative location for the worship band because of the poor sight lines to/from the congregation.
46. Mr Bradish also clarified the two different senses in which 'worship in the round' was used in the Petitioners' written materials. It could refer to use of the church in its ordinary configuration (i.e. with the congregation seated in the nave and transepts and worship led from the chancel) or to worship led from the nave. The proposals for the chancel would not affect the possibility of either form of use. There was a desire to

bring the east end altar back into use. Again, this was not dependent on re-ordering the chancel, although the re-ordering proposed would open up views to the east end.

47. In terms of mission, the desire is to give the church back to the people of Andover, essentially by allowing them to use it for activities other than formal worship. From the Petitioners' point of view this is a very important aspect of encouraging people back into church; from another point of view it would constitute a public benefit for the people of Andover, whether or not they also choose a deeper engagement with the church community.
48. The church is already well used for concerts (primarily by two local choral societies) and special events, including civic occasions. However, the layout of the chancel is an inhibition on the size of the group that can perform and/or the numbers who can attend (if e.g. an orchestra or large choir has to expand into the nave as a consequence). The aspiration is to see higher profile groups visiting the church. Such groups require a larger audience capacity, which would not be possible without the chancel proposals. Similarly, the church cannot be used as a gig space for bands without an expanded chancel space.
49. Mr Bradish estimated that for this reason the church might lose £8-10,000pa in letting fees if the proposals were not permitted; more importantly there would be a loss of profile and reach. For the town, there would also be a loss as there is no other heritage venue of similar size around Andover. The town is likely to lose out in terms of its cultural life if St Mary's is not able to host larger concerts of the sort discussed above.
50. Aside from concert or concert-type use there are also plans to use the nave more flexibly for various missional activities: toddler groups, Alpha course, relationship courses, plant sales, lunch clubs, community projects, coffee mornings, cooking classes, youth/children's events, parties, conferences and craft workshops are all mentioned. Some of these are underway already (Alpha courses, Marriage courses and toddler groups were I think the most prominent examples) and have to operate from the carpeted area at the back of church. It is practically impossible to clear the nave as although the pews are not fixed down they are extremely heavy and difficult to move.
51. Mr Bradish fairly accepted, in response to a question from me, that most of these activities could be run from other buildings under the church's control (primarily, the Church Centre and Harris Hall). He saw a symbolic value, however, in inviting the people of Andover back into what they regard as 'their' church. It is also clear to me that the overall capacity of the church to run events and raise revenue would be enhanced if the nave were made usable for events such as those proposed; the existing buildings are already used for various purposes by various groups.
52. Furthermore, the church has a longer term vision to offer a 'one stop shop' for wedding services and receptions. This could not occur without removal of the pews and, plainly,

the church would be far more attractive as the venue for a wedding reception than the other buildings.

53. Removal of the nave pews would also facilitate the seating of larger numbers of school children. Mr Bradish referred to the example of Vigo Primary School, local to the church. The school has no space of its own large enough to accommodate all its pupils for an assembly and has to attend the church in two tranches. With the pews removed, the whole school could attend at once for a harvest, Easter or Christmas service, with the children sitting on the floor. Carpet would be particularly desirable to allow children to sit on the floor, and to create a more welcoming atmosphere for other community uses.
54. An important aspect of the Petitioners' justification for the proposals for the chancel related to accessibility. Raising the chancel to one level and providing a ramp would make this area – the natural focal point for any worship or performance type use of the church – fully accessible to all. Mr Bradish pointed out that the parish appears to have a higher than average percentage of disabled people living in it, with two specialist schools and the Enham Trust, a community for adults with learning disabilities.
55. Finally, the Petitioners justified the introduction of carpet by reference to its acoustic properties. Specifically, it was said that carpet would improve the acoustics in the church for spoken voice and modern/amplified music. I also noted comments in the Statement of Needs from the two choral societies which currently hire St Mary's for concerts; both were expressing a level of concern about the acoustic effects of carpet.
56. In response to my question (set out above) the Petitioners provided a very helpful acoustic report. That explained that the issue, to which carpet was potentially relevant, was reverberation time. Different types of use have different requirements in terms of reverberation time. A shorter time improves performance for spoken word and contemporary music, a longer reverberation time benefits traditional music. This confirmed the apparently conflicting concerns of the Petitioners and choral societies, set out above.
57. At present, the report assessed St Mary's as having a reverberation time of 2.71s. Although this was longer than ideal for contemporary worship it was "far from the most severe reverberation time[s] we have encountered in a church... achieving a reverberation time of this order after the application of acoustic treatment has been considered a very satisfactory improvement" (p13). It was possible to accommodate contemporary music "provided worship musicians exercise a degree of restraint and sensitivity to the acoustic". On the contrary, the longer reverberation time would be a positive factor for more traditional music styles.
58. The report assessed the overall effects of the scheme then proposed (it is dated October 2019). Overall, an addition of carpet was proposed but this was expected to make no difference to the reverberation time because the new carpet would be covered by seating

and covering wooden floors (which are themselves mild acoustic absorbers). The screens previously proposed would generate a small reduction in reverberation time, in the order of 0.2s; this would be unlikely to be noticeable.

EVALUATION

59. In determining this petition, I will follow the approach set out above under the heading 'legal framework'. The Petitioners accept that there will be harm to significance, which simplifies the questions which need to be asked somewhat.

What is the special architectural/historic interest of the listed church?

60. I start from the fact that the church is listed grade II*. Listing is a national designation, implying special interest at a national level, and grade II* listing implies a particularly important building of more than special national interest. Clearly, not all parts of the church are of equal interest, and this is where I am assisted primarily by HE's designation report and Mr Burton's assessment of significance. As to the latter, I take assistance only from the relative grading of different elements; the 'absolute' levels of significance given would otherwise suggest a building which is barely of national interest at all.
61. There appears to be consensus between HE and Mr Burton that the primary interest of the church is its architectural interest, rather than historic interest. I agree. The crypts and early memorials provide some historic interest. The church and its fittings do not provide particularly good evidence of any feature or style of design and its historic associations are with individuals who, although significant particularly in a regional context, are not of the first rank of historical importance.
62. In terms of the architectural interest of the church, there again appears to be consensus that the "sensational" interior is the primary repository of the church's significance. I agree. Here, however, the consensus appears to break down. Mr Burton regards the architectural interest as residing in the form of the building itself. The fittings by White add value as 'art objects' (pulpit, font, carved angels, tiled floor to a degree) and/or 'features characteristic of church interiors in general' (nave benches) but no longer form a coherent ensemble of much value. HE, on the other hand, appears to have accepted Dr Hunter's more elevated view of the importance of the fittings as a whole. They are seen as an arrangement retaining some coherence, with the pews drawn into the design by the tiled floors.
63. For my part, I adopt a position somewhere between these two articulations of the significance of the church. The form of the building itself clearly is spectacular and, in its apsidal form, very interesting architecturally. I can see that the overall White arrangement does retain some coherence, even allowing for the removal of many features of his chancel design, particularly through the presence of the tiled floor. This forms a connection from the nave through to the sanctuary, which adds to the interest

and visual richness of the church. On the other hand, I struggle to see the nave benches as integrated into this scheme. They are surrounded by tiled borders but there is no correlation between the benches and the borders which could form a connection. Furthermore, and with respect to Dr Hunter, I also struggle to see the benches as exceptional or particularly impressive design items in their own right. It is not even clearly established that they were designed by White himself (although this seems likely). I was intrigued by the VS claim that the nature of their joinery is “extremely novel”, but without further particulars I was unable to see how this was the case or, if it was, how much further interest that novelty added to the church as a listed building.

Would the proposal cause harm to significance and how serious would it be?

64. The Petitioners accept that the proposals would cause harm by way of the moving of the chancel stalls, the boarding over the chancel floor and the removal of the nave benches. The dispute, in these cases, is as to the amount of harm. Furthermore, there is a dispute as to whether the proposal to introduce carpet is harmful or not.
65. In terms of the movement of the chancel stalls, I agree with Mr Burton that this would occasion minor harm to significance only. The intervention would be reversible and the stalls would remain in the church. They would no longer routinely be in their design location but in my view, as will be apparent from the analysis above, their presence in that place does not add materially to the interest of the church.
66. I differ from Mr Burton in respect of the chancel floor. The boarding over of this element would in my view be a major detractor from the overall architectural/aesthetic interest of the interior. It would disrupt the main element which continues to bring unity to the other elements of the design. On the other hand, the intervention would be reversible and there is scope to mitigate the harm somewhat by the pattern of the wooden platform and/or the introduction of a viewing window. Accordingly, I find that the harm is less than serious or substantial harm, but towards the middle of that bracket – so moderate rather than minor.
67. I also differ from Mr Burton in respect of the nave benches. As I explained above, these are not integrated in any significant way into the architectural scheme of the building. As such, it seems to me that they add little in the way of historic or evidential interest by being present *en masse*; any value in that respect will be preserved by the retention of a sample of them in the south transept. In purely architectural or aesthetic terms they do not benefit from any particularly detailed or (to my eye) interesting design, and the most that can be said is that they are characteristic of a church interior of this period generally. In that respect the harm from their removal can be mitigated to a large extent by the choice of what to replace them with. Again, it seems to me that the harm here is moderate harm.
68. Finally, I do not agree with Mr Burton and the Petitioners about the carpet. I do think that the introduction of carpet would cause harm to the special interest of the building.

I accept that the carpet would not create a ‘domestic’ appearance as such, but I do consider that it would introduce an alien aesthetic into what is a beautiful historic church building, an aesthetic which could perhaps be characterised as utilitarian, municipal or commercial rather than domestic. It is rare to find carpet in such a fine church building and whilst I am grateful to the Petitioners for pointing to examples of carpet in other grade II* listed churches, I remain of the view that it would be harmful here. Large areas of timber flooring would be carpeted and the extent of this carpeting would be apparent even with furniture in place. The choice of a floor surface may seem a matter of relatively little importance but, then again, I have found that the main repository of special interest in this building is the architectural qualities of the interior and its fittings. I find that the harm would be minor/moderate.

How clear and convincing is the justification?

69. I was extremely impressed by the vision and drive of the Petitioners, and by their aspiration to give the church back to the people of Andover (as they put it). It seems that they have already achieved a great amount since St Mary’s was launched as a Resource Church and I am anxious to support them in their endeavours if I can.
70. That said, the onus is on them to provide an objective justification for the harm caused. I find that the justification provided was of variable clarity and conviction. Although the scheme is advanced as a whole, in reality the justification for different parts of it is different, although overlapping to an extent, and I therefore deal with justification in respect of each different element of the scheme below.
71. I was not particularly convinced by the Petitioners’ case on worship. There is nothing in the present arrangements to inhibit worship in the round or from the east end altar. I can see that it is desirable, particularly given the objective of reaching the ‘missing generations’, to worship with a band from the chancel. However, that can be done now. The inconvenience that the Petitioners’ evidence described (e.g. in changing the set up between services) would remain to some extent whatever the layout of the chancel. Furthermore, it could be mitigated by practical measures not requiring any change to the building at all (e.g. not using a full drumkit). The most that can be said for the proposed arrangements is that they will introduce a modicum of extra flexibility, which may well be helpful in the context of a church community that is geared to grow rapidly.
72. Far clearer and more convincing was the justification in respect of the use for concerts and the like. The chancel is simply not designed to accommodate a concert choir or orchestra. This is clearly inhibiting the provision of concerts which would be a benefit to the church and to the people of Andover more broadly. The benefits in terms of accessibility are also clear, and convincing. The number of people directly benefited may be relatively small but there is a compelling case both on theological grounds and in terms of secular equalities legislation for full inclusion in what is, practically speaking, the heart of the building.

73. Turning to the justification in respect of the pews, I find this also to be clear and convincing. The list of activities planned is to an extent aspirational. That is inevitable given the stage the Resource Church project is at. However, there is sufficient evidence of activities already taking place to persuade me that the church community has the ability to provide far more in terms of missional use to the benefit of the people of Andover. This use would be practically facilitated by the provision of more flexible space for the church to use, and given an added symbolic value and attraction compared to use of the Church Centre and Harris Hall. Furthermore, there are several clear examples of activities which simply cannot take place at all unless the benches are removed: whole school assemblies for Vigo Primary School and wedding receptions, for example. I agree with the Petitioners that moving the benches on a regular basis would not be practical, given their size and weight, even if they were modified somehow.
74. I find that I can place little weight on the practical justification provided for the carpet. In practical terms, I do not think carpet is essential or even usual for school children to sit on. School assemblies frequently take place in sports halls or other hard surfaced rooms and carpet is, in any event, little more comfortable to sit on than a wooden floor in my experience. If it really is required for some activity (e.g. a toddler group) then I would be astonished if some space for storing mats could not be found or if necessary created in a further phase of work. Carpet is said to create a more welcoming environment. Some may perceive it that way but I find it hard to place weight on that when seeking to rebut the strong presumption against harm to a listed building.
75. I can give no weight to the acoustic justification for carpet. There is no evidence before me that the introduction of carpet in place of wood floors would make any noticeable difference to the acoustics of the building. The acoustic report offsets the removal of one lot of carpet against the provision of another lot such that it is impossible to establish what the effect of removal alone would be. I appreciate that removal of carpet without replacement by other carpet would tend to make the reverberation time longer but whether it would do so to any noticeable degree is impossible for me to say (and I note that the acoustic report itself did not even attempt to quantify the effect). If the acoustic effects do turn out to be deleterious then there will be other opportunities (perhaps when plans are progressed for the screening of the kitchen and creation of a further room at the west end) to ameliorate them.
76. Finally, I have not forgotten the other benefits relied on by the Petitioners, specifically those set out in closing by Miss Arlow. I find that there would be considerable benefit in the re-ordering of the south transept/chapel consequent on the removal of the nave benches and chancel stalls. The removal of the existing carpet, relocation of the font and reinstatement of the west doors as a main entrance would all be beneficial. However, none of these aspects of the proposals is really related to the contentious aspects such that it could constitute a justification for them, in my view.

Does the justification outweigh the strong presumption against harm?

77. Overall, I have found one minor, one minor/moderate and two moderate harm. Considering these together would place the scheme on the boundary between serious and less than serious harm in terms of the *Duffield* guidelines.
78. I am absolved of the difficult task of trying to decide which side of that line the case falls on, however, by my view on the carpet. I have explained that this element of the scheme would cause minor/moderate harm and has no justification to which I can attach significant weight. As such, this element of the scheme clearly falls for refusal, in my view. I go on to consider the remaining aspects of the scheme, which I am clear do not cause serious harm to the special interest of the building together or alone.
79. The moving of the chancel stalls would occasion only minor harm. I find that the benefit of moving the stalls – by freeing up space in the chancel and creating a new chapel in the south transept – would easily outweigh the harm.
80. There is a clear and convincing justification for removal of the nave benches, including by reference to activities which simply cannot take place at all whilst they remain. With timber chairs and a timber floor the harm will be mitigated to the full extent possible. The retention of a sample of the benches will ensure that the development of the church remains legible; I do not see any advantage (and much practical disadvantage) in requiring further examples to be retained in the north transept. I am clear that the moderate harm caused by this part of the scheme is amply justified.
81. The levelling of the chancel with timber boarding would cause moderate harm. The Petitioners' justification insofar as it relates to worship is not altogether convincing, as I have explained above, particularly when more space could be gained by the less drastic step of moving the stalls and making good the floor beneath to match the existing. The same step would provide most of the benefit in terms of an expanded performance space for concerts and other events. The space would however remain on two levels, perpetuating the accessibility issues and, it seems to me, inhibiting the optimum use of the space for concerts and the like. There might also be aesthetic or other issues with such a halfway house solution, which no-one has suggested as a compromise. The intervention in fact proposed is fully reversible. I am therefore just persuaded that this part of the scheme is justified.

DECISION

82. A faculty will issue for the works described in paragraph 2 above, except for item (c)(ii): New carpet to historic pew platform / timber floor areas to east section of Nave. In the light of this omission, I will be happy if required to consider a request to vary the faculty to introduce some alternative hard surface or some alternative treatment for the existing timber floors.
83. This faculty will be subject to the following conditions:
- a. The works approved by this faculty shall be begun within 12 months of the grant;
 - b. The works approved by this faculty shall be completed within 5 years of the grant, unless permission is granted by the court before then to omit certain parts;

- c. The works approved by this faculty are to be carried out in accordance with the following plans dated April 2020: STMAPR01 Rev A, STMAPR02 Rev A, STMAPR03 Rev A, STMAPR04 Rev A, STMAPR05 rev A, STMA06 Rev A;
- d. The chairs to be introduced in these proposals shall be the Abbey Chair (without upholstery) produced by Trinity Church Furniture;
- e. Before works commence details must be submitted to the DAC of the exact location proposed for the font and of details in respect of the integration of the font with the existing flooring. Works shall then be carried out in accordance with the details as approved by the DAC or in default of such approval by the court;
- f. Before works commence details must be submitted to the DAC of the proposed audio/visual installation. Works shall then be carried out in accordance with the details as approved by the DAC or in default of such approval by the court;
- g. The installation must comply with the guidance document to be found at the following link:
<https://cofewinchester.contentfiles.net/media/documents/document/2019/02/Electrical-guidelines-DAC-guidance-note.pdf>.
- h. Before works commence details must be submitted to the DAC of the proposed design for the draught lobby (with particular attention to the need to relocate monuments). Works shall then be carried out in accordance with the details as approved by the DAC or in default of such approval by the court;
- i. Before works commence details must be submitted to the DAC of the proposed new chancel floor, which shall broadly accord with the details shown on STMARPR20 dated December 2019. Works shall then be carried out in accordance with the details as approved by the DAC in consultation with Historic England and the Victorian Society or in default of such approval by the court;
- j. Before works commence details must be submitted to the DAC of the proposed materials palette for the works, including the choice of wood/stain colour for the chairs proposed. Works shall then be carried out in accordance with the details as approved by the DAC in consultation with Historic England and the Victorian Society or in default of such approval by the court;