

IN THE MATTER OF ST PETER & ST PAUL BASSINGBOURN

And

IN THE MATTER OF THE PROPOSED INSTALLATION OF A PROJECTOR AND SCREEN

JUDGMENT

August 27, 2015.

THE DEPUTY CHANCELLOR:

1. The Petitioners (the Rev'd Dr Caroline Yandell, Mrs Althea Whybrow and Mrs Sarah Morris) are the Priest-in-Charge and Churchwardens respectively. They petition the Court to install a projector at the West end of SS Peter & Paul Bassingbourn and a drop-down projector screen from behind the chancel arch in accordance with a specification provided by Morrisons Daylight Projectors and at a cost of £7,700. Historic England (formerly English Heritage) has been consulted and has no objection to the proposals. The funds are available now. The Petitioners wish to complete the works as soon as possible. It is estimated they will take 1 week to complete.
2. The Diocesan Advisory Committee advised, by notice dated May 20, 2015 that it **recommended** the works.
3. Public Notices have been displayed for 28 days.
4. SS Peter & Paul Bassingbourn is a Grade 1 listed building in the centre of the village and within the conservation area. Its architectural features are set out in detail in the Statement of Significance. The chancel is particularly striking, dating from 1340-50 and in the Decorative style. The Rood Screen beneath the chancel arch is fifteenth century and it has been repainted in its original colours. The 14th century nave was rebuilt sympathetically in 1864-5. The 13th century west tower was reconstructed in 1897 when it had become dangerously unstable.
5. There is a screen being used presently and I have seen it photographically in the "pulpit position". I have also seen an enhanced photograph which shows how the dual-winch retractable screen and projector site will appear. The screen will be above the chancel arch. It will be visible, when retracted, from the chancel but not from the nave.

6. The Statement of Need has given me a very clear picture of the importance to the community of this Church. It is a church that opens seven days a week during daylight hours and it is used for civic and school services as well as regular worship. Attendance on some occasions is very high and most deceased parishioners have had their funerals in the church. The theology of the Church is broadly evangelical but there is a mix of contemporary and traditional music and style in services. The Church aims to be accessible and relaxed.
7. The Church has used a digital projector to project lyrics since 2012 using a portable screen braced into the pulpit. The projector sits on a dinner tray set on top of a temporary board placed on top of the pews. I can see from the photograph that this is aesthetically unattractive. It poses some problems of limited vision and it needs to be set up before each service. The Petitioners describe the arrangements as “Heath Robinson” and that confirms my impression. This would be cured by placing the screen above the chancel arch and the projector will be permanently mounted on the tower wall at the West end of the nave.
8. I see the virtues in a more permanent and professional solution which will increase the utility of this visual aid. The Petitioners say they have striven to maximise the utility of the projector and screen at the least inconvenience to this beautiful Church.
9. During the notice period, 4 letters or emails of objection have been received. No-one wishes to become a party opponent. Whilst this restricts someone’s right to become a party to the proceedings, take part in the proceedings or appeal any judgment (or order) of the Court, it does not restrict that person’s right to have his or her views taken into account in my reaching a decision.
10. The Priest-in-Charge has responded to these objections and it is simplest if I review briefly the points made on both sides. I have, of course, read all that is written with care and attention.
11. MRS SUSAN SIMPSON
 - a. When the new screen is in place it will obscure from a parishioner in the pews the inspiring view to the East window in the chancel that is an aid to worship.
 - b. A free standing screen in a more central position than presently would be preferable.
 - c. P-i-C RESPONSE
 - i. The location is in the most unobtrusive place possible consistent with the opinion of Historic England.

- ii. Raised platforms and a nave altar mean that space is very limited for a screen in the area West of the Rood Screen.
- iii. The north side of the Rood Screen is used by the music group. The South side is used by the clergy and those leading the worship and preaching.
- iv. In any event, the screen needs to be high enough to be visible to as many members of the congregation as possible. This is not possible with a free-standing screen.

12. MR JOHN SIMPSON

- a. Mr Simpson is a former Churchwarden and is married to Susan Simpson. He raises important procedural flaws in the original publication which I am satisfied were corrected ultimately.
- b. His other points reflect those made by his wife (or *vice versa*) but he adds concerns that those in side aisles will be unable potentially to see the new screen from the side-aisles.
- c. P-i-C RESPONSE
 - i. All of Mr Simpson's observations have been thought about very carefully.
 - ii. Other arrangements may need to be considered if the issue of visibility of side pews becomes important, but the proposed arrangements grant the greatest visibility to the largest number of people.

13. VALORY HURST

- a. Ms Hurst lives in the village and has done so for forty years. She is not on the Church Electoral Roll.
- b. She understands the need to protect the beauty of this Church within the context of its present needs, but she fears that the integrity of the building may be being lost.
- c. She is concerned that the positioning of the screen may damage or hide the detail of the arch and ceiling.
- d. She is also concerned that the screen may be left open when not in use which would destroy the character of this open space.
- e. She wonders why the projector cannot be placed behind the curtained area she describes and the curtain opened when the projector is in use.
- f. She questions why a portable screen cannot be used.

g. P-i-C RESPONSE

- i. The importance of the building is recognised. Hence the consultation with Historic England and the siting of the projector in the least obtrusive place possible which has itself entailed additional expense.
- ii. The reasons for siting the screen where it is and for not using portable screens is as previously described and will not benefit from repetition. It will not be left open when not in use.
- iii. The curtained area separating the nave from the tower is in fact the vestry.
- iv. The installation will be carried out by experienced professionals and is not objected to by Historic England.

14. MS S H CHANDLER

- a. Ms Chandler submitted extensive objection with useful photographic illustrations.
- b. Her central point is whether the need for the proposed screen, to be situated above the chancel arch, is so great as to compromise the integrity of the chancel.
- c. She reminds me of the remarkable quality of the building and the significance of Grade I listed status.
- d. She believes “the church” (in general) is taking advantage of its listed building exemption to cover “out of character” changes to listed buildings.
- e. She raises the point that portable equipment could be as easily used. This is a compromise that applicants should be only too pleased to make.
- f. The present screen has frequently been left out; thus spoiling the view from west to East.
- g. She comments on the existing electrics as being so badly placed and intrusive that it is hard to believe any faculty system is in existence.
- h. She cannot understand how the view from west to east inside the chancel can be so little valued by the congregation that they can consider obscuring it, even if for short times.
- i. She asks whether the need for this particular equipment is really so overwhelming that understanding or accommodating the diversity of opinions on the value of church architecture is not worthy of consideration.
- j. P-i-C RESPONSE

- i. The earlier works go back in time and she cannot comment on those faculties.
- ii. She and the congregation hold the building in the highest regard.
- iii. This application has been developed with great care in consultation with the Diocesan Advisory Council and Historic England.
- iv. The reason the screen is left out now is because it is so difficult and cumbersome to manoeuvre. The current arrangements are indeed unsightly: hence these proposals.
- v. The scheme is unanimously approved by the Parochial Church Council and near unanimity in the congregation. The need is set out in the Statement of Needs.

15. THE ISSUES WHICH I HAVE TO DETERMINE

- a. I remind myself of the framework and guidelines set out by the Court of Arches in *St Alkmund, Duffield* [2013] Fam 138.
- b. *Would the proposals result in harm to the significance as a building of special architectural or historic interest?*
 - i. The proposals are modest. The projector has been sited in an unobtrusive place and the screen is fully retractable. I have seen no *evidence* that the placing of the screen will cause harm to the chancel arch. I have considered whether the periods when the screen is down will result in that harm and I find it would not. The DAC has advised me that no harm will be caused by these proposals and Historic England has not suggested otherwise. I conclude that the specified harm will not arise.
 - ii. In view of that conclusion I move to the question of need. Although the *St Alkmund* test for need applies to cases where such harm will be caused and is therefore expressed possibly more strictly than the general test, I have concluded the Petitioners would satisfy it in any event and so I deal with it in the way formulated by *Alkmund*.
- c. *How clear and convincing is the justification for carrying out the proposals?*
 - i. The justification for carrying out the proposals is both clear and convincing.
 - ii. First, I am satisfied that the Church has within its tradition of worship a need for audio visual aids. Of course, no such need is ever absolute.

There is no *absolute* need for an organ in any church, or, indeed, many other additions to churches that have appeared over the centuries.

However, this Church has developed a thriving tradition in which the use of screens and some amplification is an integral part of the worship.

- iii. It is one of the wonders of the Anglican Church that many different traditions, described in a number of ways, exist side by side in different churches, parishes and dioceses. In the particular tradition of this Church there is also a mix of different styles: one of a contemporary kind and another more traditional.
- iv. Second, I am also satisfied, and there is no challenge to this, that the present arrangements are unsatisfactory. The equipment is difficult to place in and remove from the pulpit and, as a result, it gets left *in situ* too long and too often. This is indeed a perfectly justified complaint of Ms Chandler, and a fear of Ms Hurst about the new proposals which I imagine stems from the present problem. It also looks unattractive and is positioned inconveniently.
- v. Third, I reject the suggestion that a portable screen would suffice. It would require positioning at a sufficient height which raises the same problem of positioning. Either it will be placed in an unhelpful location where the maximum number of people will not be able to see it, or it will be in the very place objected to by those who have written.

d. *Generally*

The Petitioners have taken great care in formulating these proposals. They have consulted widely and gained a very large measure of support. They have consulted and taken the advice of specialists in the field and intend to use experienced and professional contractors to perform the work. They also consulted Historic England, which does not object to the proposals, and they have taken into account its observations.

16. Thus, having concluded that there will be no harm to the architectural and historical significance of the building, I also find the Petitioners have also established the need for these proposals.

17. In reaching these conclusions, I have had well in mind the observations of those who have written in to raise objections. I have some further observations, however, relating to points not directly dealt with in my judgment so far.

- a. Mrs Simpson's point that the effect of the screen prevents a view of the chancel from West to East which distracts from worship. This point is echoed by others in their observations.
 - i. I accept that for those who wish to have this view during worship, they will be unable to do so when the screen is down.
 - ii. I further accept that, although for the vast majority of the time, in a church that is open seven days a week during daylight hours, the view will be available, this will be a source of regret and disappointment to some people on some occasions.
 - iii. However, given the other reasons already reviewed in my judgment, I do not consider this affects the justification for the proposals. I do, however, consider the issue again in paragraph 19 under the sub-heading CONDITIONS and SUGGESTIONS.
- b. Mr Simpson's observation that those in side-aisles will have a restricted view of the screen.
 - i. This is a valid point, although the problem appears not yet to have arisen in any significant way.
 - ii. I do not consider that it affects the grant of these proposals, but very considerable thought would need to be given to the introduction of portable screens to provide vision for those in side-aisles and nothing in this decision should be taken to assume that these will necessarily be approved. In particular, the Court would not want the advantages in appearance of the present proposals to be lost by subsequent introductions of equipment with similar issues to the present arrangements..
- c. There is a balance to be struck between conserving buildings of architectural or historical significance and performance of the function for which the building exists. It is a feature of our churches that they have been altered over the centuries and that things we now take for granted in a church were once the subjects of great contention. It is perhaps also worth considering that if churches cannot remain vibrant parts of the community in which they are

based it is difficult to see how the Church could afford to maintain them and even more difficult to imagine the State or charities managing the scale of upkeep required by the number of churches we are blessed with having.

- d. In respect of diversity of worship, I raise one matter within CONDITIONS and SUGGESTIONS hereinafter.
- e. It follows from what I have already said, that I do not consider these works in any way compromise the integrity of the chancel arch and, as to the point about screens remaining after events have concluded, it will make it far *less* likely that screens will be left *in situ* after they have been used.
- f. The concerns that Ms Chandler raises about other works done over what appears to be a lengthy period of time are not the subject of this Petition. However, I have some suggestions that it may be helpful to consider.

18. Accordingly, I find that no harm will be caused to the significance of this building's special architectural and historic interest. I also find that the Petitioners have established a need for the works proposed. Subject to the conditions below, the Petition is granted and a Faculty will pass the seal.

19. CONDITION and SUGGESTIONS

- a. The Faculty is granted on the condition that, subject to any temporary mechanical failure, the screen is to be retracted directly the event for which it was brought down has concluded.
- b. The works are to be carried out within **ONE CALENDAR MONTH** from the date that the Faculty passes the seal.
- c. SUGGESTIONS
 - i. These suggestions do not form part of the judgment, and nor are they conditions attached to the Faculty, but it is hoped they will be considered by the Petitioners.
 - ii. First, whilst I do not conclude that the absence of the completed view West to East (nave through chancel) during services and events damages the architectural or historic significance of the church, I also conclude that it should not be impossible to use the church without the screen during some services. A service to celebrate this Church in particular, which many churches have by way of a patronal festival or other such events, would surely be an ideal opportunity to show it without obstruction and there may be other occasions, remembering its

past and the vision of many human beings over the centuries, where this is appropriate. I agree with Ms Chandler than there is room for diversity of opinion and I strongly suspect that more than just the writers of the letters would enjoy some occasions when the screen does not have to be down during the service. Ms Hurst made it clear that the present vitality of this Church is an important matter too. I agree with her in what struck me as a very balanced letter. I appreciate that human beings can be better at advising from a disinterested standpoint than when their own particular viewpoints are challenged, but, in reviewing these papers, I have been able to see that the visions of the Petitioners, on the one hand, and the writers, on the other, are not irreconcilable. This Church has set a particular direction which appears to have been very successful and will ensure that this Church stays supported and protected within its local community. This does not mean, however, that some purposeful flexibility is impossible.

- iii. I do see much force in what Ms Chandler says about some of the less happy arrangements that have been permitted in the past. I disagree with her that this distinguishes the church from civil society. As a society generally, there has been an evolving view as to the significance of our heritage. I hope that the Church, with the assistance of the DAC, can look at whether improvements can be made to some of the less happy arrangements made here previously. The hole cut in the Rood Screen with exposed cabling is but one example. Indeed, I see the present Petition as doing its best to make technology *less* obtrusive. A good look around this beautiful Church with a view to improving arrangements to which the regular visitor may become accustomed, but which the visitor would find rather out of keeping with the Church's impressive features, would be a worthwhile exercise and I also direct the attention of the Diocesan Advisory Committee to considering and advising the parish on this aspect here when the next major inspection takes place.

David Etherington QC.