

Neutral Citation Number: [2023] ECC StA 7

IN THE CONSISTORY COURT OF THE DIOCESE OF ST ALBANS

IN THE MATTER OF: ST LAWRENCE, BOVINGDON

JUDGMENT

Introduction

1. St Lawrence Church, Bovington, is a Grade II* listed church which was substantially rebuilt and restored to the designs of Thomas Talbot Bury between 1844-46. The church is situated in an “*unexpectedly secretive*” location in the large village of Bovington, set in an extensive churchyard which includes a small car park area. It is accessed by narrow, rural lanes and is not immediately viewed as part of the principal townscape of Bovington. However, it plays an important part in village life.
2. In addition to the church itself, St Lawrence owns a church hall, situated approximately one third of a kilometre from the church. Access to the church hall is difficult, being via a narrow, unlit road with no pavement and it is now considered to be unfit for purpose as far as Sunday school and other church activities are concerned. It is planned, as part of the overall scheme of development for the church, to sell the hall.
3. By a petition lodged with the Registry via the diocesan portal system on 17 March 2023, the petitioners seek a faculty for an extension to be added to the north side of the church and for internal re-ordering, including the disposal of the pews in the main body of the church (nave and south aisle), disposal of the pulpit and lectern, the relocation of a chest tomb, and the introduction of a nave plinth, new furniture and partially upholstered chairs.
4. A number of objections have been received from local residents and from the Victorian Society (the “Victorian Society” or the “VS”). None of the individual objectors have opted to become Party Opponents, although it is clear that the petition is the source of some local controversy. The Victorian Society has declined to become a Party Opponent but maintains its objections. The Church Buildings Council (the “CBC”) also initially raised concerns,

but is now content to defer to the Diocesan Advisory Committee (the “DAC”), which recommends the petition.

5. I undertook a site visit on 4 September 2023, accompanied by the Registrar, the Archdeacon and the DAC Secretary. The visit has been of assistance in understanding the proposals in more depth and understanding the scope of their impact on the church as it currently appears.
6. I also¹ gave directions in this matter, requiring the Petitioners to provide:
 - 6.1. An indication as to what is planned for the pews if they are removed and what routes for disposal are possible in this case;
 - 6.2. Whether the feasibility of retaining more than a single pew has been investigated and what the feasibility conclusions are. In particular, whether it would be feasible to retain several pews placing them flat against suitable side walls, allowing for the space and flexibility that the petitioners seek to introduce but allowing for a greater and more meaningful retention of a percentage of the pews;
 - 6.3. An independent² assessment of the significance of the pulpit by a person suitably experienced in the assessment of church furnishings together with a clear indication as to what routes for disposal are proposed or are feasible for the pulpit, and also the lectern, in this case;
 - 6.4. Provision of a copy of the document referred to throughout the documents as the “original plan of 1846”;
 - 6.5. An explanation of what is proposed regarding any disturbance and impact upon existing interments and burials, plus any plots which are the subject of a reservation. I directed that this should include identification of those likely to be affected, proposals for communication with families and proposed solutions to whatever the individual

¹ On 7 July 2023.

² NB the architect’s response to the CBC’s letter of 13/12/22 was noted but is not an independent expert assessment of its historical, artistic and/or liturgical significance sufficient for an assessment in line with the approach set out in *Duffield*.

impacts are in each location, together with a plan of the churchyard which indicates the affected plots to be provided by the petitioners to aid understanding on this issue.

7. All of the foregoing directions have been complied with and I will refer to salient points arising from those additional steps where appropriate below.

Summary of proposed works

8. The Petition proposes striking external and internal changes to the church.
9. As far as external changes are concerned, the proposal is to build an extension running east-west, parallel to the church, lightly abutting the existing external wall of the church and linked to it via the north-east corner. The extension will offer a similar level of floor space to the existing church hall. It will provide an entrance area, two disabled toilets, a small kitchen and office, plus a flexible meeting space for up to 50 people which can be subdivided in to three smaller rooms.
10. The footprint of the extension extends into the churchyard³, but its position, whilst allowing direct pedestrian access into the church, is completely out of view from the main (south-west) approach from the village and church car park.
11. The design of the extension has been the subject of much thought and the final iteration before me carefully considers the impact not only on the external appearance of the church, but also the effect on the interior of the church (notably the way in which aspects of the interior are lit or framed by the extension). The design seeks to tread a line between maintaining the new building as distinct from the church whilst also recognising that it is directly linked to it. The design therefore aims to link the church and extension “*with a light touch*”, both metaphorically and physically. Little of the historic fabric is to be disturbed under the proposed design, although in creating the link between church and extension some stonework will be lost from the lower part of the most eastward window.
12. In the churchyard, four memorial stones will also be covered by the extension (one 20th century marked grave, that of Muriel Read, and three 19th century graves, each over 200

³ And here I take note of the reduction in scale of the proposed extension from earlier iterations. This is a design outcome (following consultation, including with the DAC and CBC) which recognises the creation of significant new, flexible internal space by the internal reordering in a reduction of the proposed size of the extension.

years old)⁴. The plan is to remove the existing headstones to the perimeter of the churchyard and introduce a wall plaque to the memory of those whose graves have been covered. Some unmarked burials were also revealed when a ground penetrating radar (“GPR”) survey was undertaken. Very careful work (see further below) has been done to ensure that disturbance to burials is avoided and also that those whose relatives’ remains will be affected by building over have been contacted and are content with the proposals.

13. In terms of the proposed reordering of the interior, the most immediately conspicuous aspect is the proposed removal of the 19th century pine pews and their replacement with wooden chairs with upholstered seats. In addition to this it is planned to remove the Victorian pulpit and mid-20th century lectern and to move a chest tomb featuring a knight monument to a position near the south door. These changes, it is said, are needed in order to create an accessible and flexible space for worship and community-based activities, and to allow for the introduction of a low platform to facilitate modern forms of worship. The platform is to be located in front of the chancel step, and the intention is for it to feature modern, matching liturgical furniture.
14. Underfloor heating (in the iteration before me, this is fed by an air source heat pump, replacing an existing oil-fired boiler heating system) is also projected to be installed, although the precise plan for heating works remains under consideration.
15. The plans also propose the modification of the south porch and the introduction of an accessible platform to ensure accessibility to wheelchair users, alteration to the vestry screen, the replacement of lighting and AV services and general redecoration.
16. Following some modifications as a result of the CBC’s input, changes are no longer proposed to the chancel itself (which contains some early 20th century hand carved oak choir stalls). Furthermore, it is now proposed that a sample pew end featuring a carved poppy head end will be retained. The font, which was to be moved in earlier iterations of the proposals, is now to stay in place.

Summary of objections

17. By an email dated 19 January 2023, the Victorian Society expressed its concerns on aspects of the proposed internal reordering (some previous concerns regarding the extension had

⁴ There are no reserved plots in the vicinity of the proposed extension.

also been provided, but were not reiterated, save to observe that the extension ought to have been planned so as to minimise the interventions required to the historic interior of the church. The VS noted that planning permission had, in the interim, been granted by the LPA for that aspect of the scheme). The VS questioned whether the proposals were sufficiently justified and asked whether all alternative options for less sweeping change to the interior had been properly explored. It also strongly criticised the pew report prepared by Dr Charles Tracy in this case, suggesting that an alternative report should be commissioned.

18. The following summarises the Victorian Society's specific concerns regarding the proposed changes to the interior. The VS's starting point is that this church interior is exceptional as an example of an intact (both as to fabric and character) early Victorian church. The Victorian Society expressed serious concern at the proposal for removal of the pews, noting that the listing entry mentions them specifically (and in particular the carved poppy heads), which, it points out, is unusual, and also noting that the combination of doored pews and carved poppy heads is unusual. The VS expresses serious disagreement with the expert report on pews provided in this case by Dr Tracy, finding that his report fails to "*offer a detailed, objective and well-researched analysis of the significance of the historic furnishings*" and countering his conclusion that the pews appear unlikely to have been designed by Talbot Bury himself. The core concerns arising as a result of these points are that the proposed removal of the pews would be highly damaging to significance in that it would represent both a loss of impressive and unusual pews but also that the effect of the loss of the full ensemble of pews, which is currently a striking and defining aspect of the interior appearance of the church, will be to denude the church and rob it of its character.

19. In addition, the Victorian Society argues that the loss of the "*handsome and attractively detailed*" pulpit "*...one of the church's principal liturgical (as well as artistic) furnishings*" is unjustifiable, in particular where the proposal for the complete removal of seating will introduce an unrecognisable level of flexibility and openness into the interior space. Similarly, the VS is against the introduction of upholstered seating given the highly listed status of the church.

20. Similar concerns also find expression, albeit through a different lens, in the objections that have been provided by members of the public following the period of public notice of the petition. The following members of the public have expressed their concerns:

20.1. Andrew McMahon lives in Bovington and has celebrated many family weddings, baptisms and funerals in the church. He expresses concern about the way in which he perceives that the proposed extension will build over graves and change the outlook of the churchyard which will affect those with loved ones buried nearby or those (and he is one of them) with grave space reservations near the area which will be covered by the extension. He also expresses concern that the beauty and history of the interior will be lost if the pews are removed to create a large open space with stackable chairs;

20.2. Pauline McMahon (of the same address as Andrew McMahon) also wrote in objection to the proposals, expressing similar concerns. Ms McMahon also identifies procedural concerns regarding the process by which consultation with parishioners had taken place, which she regards as having been inadequate, and suggests that alternative sites for the extension could have been identified within the churchyard, including perhaps the car park or an area of the churchyard that is currently used for church fetes;

20.3. Mr B. Giddings has lived in Bovindgon for 73 years, was married in the church and tended the graves of friends who are buried in the churchyard. He wrote objecting to the plans on the grounds that graves may be desecrated by the extension. A particular concern he expresses relates to the impact upon the Putnam family, as Mr Giddings considers it likely that two graves of their family members may be affected by the footprint of the extension (NB this has since been checked and the incumbent has confirmed that these graves are not affected). Mr Giddings also expresses the view, more generally, that “*it is a lovely church any change to it would be a desecration*”;

20.4. Sharon Biggerstaff wrote with an objection which is focussed upon the removal of pews. She expresses her concerns that the beauty of the church would be

harmful by the removal of the old pews and their replacement with chairs, and that the addition of a modern extension might encroach upon nearby graves;

20.5. Sheila Walker's objection also eloquently expresses her feeling for the character and appearance of the pews and her concern at what would be lost if they are replaced with chairs. Ms Walker has been a Bovingdon resident for over 80 years and also raises the question of what is to happen to the hassocks, of which 21 were made by hand by Ms Walker herself;

20.6. Sylvia Briden is another long-term resident of the village (over 74 years at the time when she wrote to the Registry). Ms Briden very fairly recognises that an extension may be necessary, but asks that the pews be left for the enjoyment of generations to come, pointing out the loss of historic material that is involved in their removal and observing that the feel and experience of worship is changed when pews are replaced by chairs;

20.7. Ruth Spooner's objection relates to the proposed addition of the extension. She points out that a separate site already exists in the form of the church hall, expresses concern that the construction works will be disrespectful to those enjoying the tranquility of the churchyard and the finished result out of keeping with the church's present appearance and a matter of concern to those families who have loved ones in graves to be affected by the extension. Ms Spooner observes that there does not appear to be any justification for the proposed changes.

Duffield questions

21. Out of the evidence and objections before me, I need to be able to distil and assess the impact the plans will have on the building and the benefits to the mission and worship of the church. Careful evaluation using the *Duffield* questions is designed to guide my decision-making and accordingly I have applied careful thought to this question using that framework.

22. The *Duffield* questions are (in summary) as follows: (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; (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 the strong presumption against proposals which will adversely affect the special character of a listed building, will any resulting public benefit outweigh the harm⁵?

23. Taking each of these in turn, I have reached the following conclusions.

Questions (1) and (3): would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?; if “yes”, how serious would the harm be?

24. Turning first to what has proven, overall, to be the most controversial aspect of the proposals before me, namely the removal of the pews. My own attendance at the site visit confirmed a view I have seen expressed throughout the various documents opposing this element of the petition, namely that the fully pewed interior lends a distinct character to the interior of this church which will be radically altered by the proposed removal of all of the pews. There is room for differences of opinion as to whether the contribution of the pews to character, atmosphere and appearance is positive or attractive, but it is certainly the case that the dark and dense appearance of the pews is a striking and dominant note in a visitor’s initial appreciation of the interior.

25. An expert report by church furniture specialist, Dr Charles Tracy, was commissioned by the Petitioners, and Dr Tracy undertook inspection of the pews and the church and associated research which he identifies in his report. Dr Tracy expresses his views as to the pews trenchantly. His conclusions include the view that the “*well designed rebuilt*” church by Talbot Bury is “...*badly let down by the poor quality and uninspiring design of the extant set of box pews.*” Dr Tracy opines that the pews did not emanate from Talbot Bury’s

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

practice, as had previously been considered to be a possibility, but rather that the evidence (which included, in Dr Tracy's view, inappropriate Baroque features, cut down lengths to fit the columns, rather than a custom-made fit, interchangeable and detachable poppy head ends which Dr Tracy noted had the hall marks of machine carving "*quite without education or inspiration*") supports the view that these were factory made pews, introduced as a cost-saving measure.

26. There has been significant disagreement with Dr Tracy's report expressed by the expert consultees in this case. The CBC counselled "...*caution towards the assessment provided in the pew report...*". The Victorian Society goes further and says that it is "...*mystified by this view [that the combination of carved poppy heads and doored pews is troubling and unsuccessful] and indeed almost every other conclusion drawn in a report that...does both the building and the parish a serious disservice (and fails to satisfy the requirements of the Faculty Jurisdiction Rules) by failing to offer a detailed, objective and well-researched analysis of the historic furnishings*".

27. Whilst I acknowledge that Dr Tracy's conclusions might have been expressed more moderately, that does not, in my judgment, disclose the lack of objectivity or lack of research which are suggested by the Victorian Society and which it implies render the report unsafe. Certainly, I acknowledge that a range of different conclusions might have been reached if other experts had been instructed. However, it is unhelpful to deal in hypotheticals. Dr Tracy's credentials have been provided to me. He is undoubtedly highly experienced and expert in the field of assessment of church furniture and, as I say, whilst forcefully expressed, there is nothing before me to suggest that his conclusions have been reached as a result of lack of objectivity, lack of expertise or research or are otherwise unsafe. His conclusions as to the provenance and quality of the pews are therefore persuasive. They are not gainsaid in terms of specifics or by the presentation of alternative evidence by those who have urged the report to be disregarded or superseded by further reports⁶. In the circumstances I accept Dr Tracy's conclusions as to the quality of the pews and the negative contribution they make within the setting of this church.

⁶ In this regard I note that the Victorian Society commented that Dr Tracy had failed to reference the "original plan" and noted that that document suggested that the scribing of the pews around column bases was purposefully designed. I have taken this point into consideration in evaluating the reliability of Dr Tracy's report, noting also that Dr Tracy's conclusion as to the provenance of the design of the pews was based on a number of other design "issues" besides the interaction between pews and arcade columns.

28. I acknowledge, though, the force of the CBC's observation that Dr Tracy's focus in his report was on the quality of the pews rather than their contribution to the character of the church, and that for that reason "...*the report underplays the significance of the pews*". In assessing the contribution the pews make, however limited their inherent quality, to the interior, I agree that their character, and their contribution to the character of the church, is an important factor. In assessing this I consider that it is appropriate to draw from sources including the reference to the pews in the formal listing description ("...*pine pews with doors and fine carved poppy heads down central aisle...*"), noting the fact that it is unusual for pews to be included in this way. I also consider that it is appropriate to draw from the helpful analyses provided by the CBC and the Victorian Society; from the evidence of the articulate observations of the members of the public who have written with their objections and who, with the exception only of Ms Spooner (whose objections were focussed on the proposed extension rather than the interior changes), all vividly explain the contribution that they perceive the pews make to the character and interest of the interior; as well as noting my own impressions drawn from the site visit.
29. Drawing on all of these factors - and noting the limits and particular focus of Dr Tracy's report - I conclude that whilst the pews themselves are of little intrinsic merit and might in fact be said to detract from the repaired Talbot Bury interior, their age (and it is not disputed that they are contemporaneous with the Talbot Bury repairs), character, presence and effect in the interior render them an important part of how this Victorian church interior is read and experienced. Their wholesale removal will, therefore, have a harmful impact upon the church's significance.
30. Turning to *Duffield* question 3 as regards the proposed removal, in my judgment the facts as I have found them – that, per Dr Tracy's report, these pews are not important works of design or craftsmanship, that they are not inherently important furnishings in and of themselves, plus the further observations of Dr Tracy, which I also accept, that their presence obscures important features of Talbot Bury's architectural work (including the pale limestone perpendicular nave arcade and the modestly proportioned columns) - have bearing on the assessment of the level of harm that will be incurred by their removal. Whilst the removal of the pews will be a visually impactful change and will alter the present character of the church, nonetheless the level of harm to significance is, it seems to me, ameliorated by these factors. I have also taken into consideration the ultimate conclusion

of the CBC that it “*did not object to the removal of the pews...*”, recommending that appropriate mitigation might take the form of “*...recording to Level 2 as described in Historic England’s guidance on good recording practice....avenues...explored for finding a suitable new home for some or all of the pews...an example pew end including a poppyhead could be retained...*”.

31. Taking these factors together leads me to conclude that, whilst occasioning some harm to significance, the removal of the pews will have, overall, a moderate level of detrimental impact when considered in light of all of the foregoing considerations.
32. It is proposed that the pews, if removed, should be replaced with stackable, wooden-framed chairs with upholstered seats but a wooden back (i.e. a “hybrid” design). The proposal comes after the parish had taken on board comments from the CBC regarding the choice of seating and following extensive consultation with worshippers between October and December 2022, using sample chairs on loan from the supplier, Alpha Furniture. The Victorian Society objects to the proposal to introduce upholstered chairs, suggesting that it would be inappropriate in such a highly listed church and referring to the Church of England’s guidance on seating in churches which steers strongly in favour of plain wooden seats in cases where pews are to be replaced. These are views which find some echoes in the objections received from members of the public (albeit that the focus there is on the introduction of chairs more generally, rather on the fact that the proposal is for upholstered chairs in this case). However, it does not seem to me that there is, in this case, any detriment to significance likely to be occasioned by introducing partially upholstered chairs rather than plain timber frames. I reach this view on balance, taking account in particular of the fact that in general it is preferable in aesthetic terms to introduce timber seating rather than upholstered into a listed interior, however in this case there is a likely counterbalancing positive benefit (noted also by the CBC in its own appraisal), namely that the upholstery is likely to absorb sound and have a balancing effect on the acoustics inside the church in the event that the pews are removed.

Extension

33. As to the proposed addition of the extension, one of the key concerns that has emerged, in particular through the diligence of members of the public in raising objections on this basis,

is a worry that the extension will encroach onto existing graves, compromising the dignity and sanctity of the affected area and potentially disturbing the burials there.

34. The first point to note is that a very careful approach has been taken in instructing structural engineers to prepare a foundation and piling plan which avoids all areas of disturbed ground identified by the GPR survey and by the parish's archaeological consultants, who have prepared a written scheme of investigation, approved by the LPA, which will enable the precise position of piles to be adjusted following the detailed archaeological investigation.
35. The second is that although there are those who have expressed the view that there has been insufficient consultation, including as to the impact of the extension on existing graves, I am satisfied that there has been a diligent and extensive range of consultation undertaken. This has included painstaking work to identify and, as far as practically possible, contact the families of all of those affected (four) marked graves and (up to three) unmarked burials. Meetings on site have been held with all of those identified and this was extended to include meetings with others who believed that there was a chance that their relatives' graves might be affected. Clarification as to whether or not the works would affect the graves in question was provided. None of those whose relatives' marked or unmarked graves are affected wish to object to the plans and I am informed that there has been a positive and pleased reaction to the proposal that their relatives will be acknowledged in a wall memorial.
36. For the avoidance of doubt, the above finding regarding consultation and public information extends to the project as a whole, as well as to the specific question of the impact of the extension on grave sites, reservations and unmarked burials. I am satisfied that, in addition to the specific consultation on affected graves, there have (since 2017) been several public meetings, the plans have been published in the church magazine *Outlook*, regular updates have been provided in the *Bovingdon News* and via a full page article in *The Villager*, there has been publication of plans and invitation of public comment not only at the stage of formal public notice under the Faculty Jurisdiction Rules but also at the earlier point at which the plans were submitted to the LPA, amongst other steps. It is also well evidenced before me that the incumbent has reached out directly to those who have expressed concerns and invited individuals to come to church to review plans and discuss concerns in greater detail.

37. As to the wider question of whether the addition of the extension will, of itself, be detrimental to the significance of the church, I conclude, on the basis of the materials before me, that it will not have such an impact. Whilst the extension will be noticeable, given its size, and it will change both the footprint of the built area in the churchyard and the appearance of north-west exterior of the church, there is nothing before me to suggest that the addition of the extension, in the design iteration I have reviewed, will be harmful to the significance of the church in terms of history or aesthetics. Not only will the design reference the church via the materials for construction (including, I note, the recent change to build the linking section in flint) and architectural details, whilst also taking much care not to pastiche it in style and appearance, it is also hidden and screened when viewed from the main entry point of the church. There is no sense that the extension will unduly dominate the churchyard as it might on a smaller site - given the generous space, the screening from trees and the maturity and character the churchyard has in abundance, the introduction of the extension will be well balanced in its setting. Interference with fabric has been minimised and existing architectural features, such as the eastern most window of the north aisle featuring stained glass showing Christ surrounded by children, are to be highlighted and enhanced by prominent arching around the window by the new entrance door to the link between church and extension.

38. For these reasons I conclude that the introduction of the extension will not harm the significance of the church. I will consider the issue of rebutting the presumption in favour of retaining the status quo below.

Removal of pulpit and lectern; relocation of chest tomb

39. I do not consider that the proposed relocation of the chest tomb will harm the significance of the church. No meaningful objection has been offered to the plans to do so and I note that the tomb has been sited in other locations in the church from time to time.

40. Similarly, there is nothing before me to lead me to conclude that the removal and disposal of the mid-20th century eagle lectern will harm the significance of the church either. The lectern was introduced after World War II and is believed to have come from the RAF chapel on a nearby airfield and as such has no significance either as part of the original reconstruction or otherwise as a result of a particular link to the church. Pursuant to my directions, the Petitioners commissioned Esther Robinson Wild, an expert historic

environment consultant, to assess the significance of the lectern and the pulpit. I am satisfied, judging by the findings of Ms Robinson Wild's report, that the lectern is "*of negligible significance*" and that its removal would have no negative impact upon the significance of the church.

41. The position is different in relation to the proposed removal of the pulpit, however. Ms Robinson Wild's findings are that the pulpit is likely to have been introduced into the church at a date commensurate with Talbot Bury's substantial restoration of the church. Consequently, the pulpit relates in part to an element of the development and history of the church, albeit without an evidenced association with Talbot Bury himself. It is also - and in this I note the views of the Victorian Society (who have also commented on the attractive appearance and contribution to interior character that the pulpit makes) - tangible evidence of a former historic element of public worship.

42. Whilst I fully appreciate the points made by the parish as to its limitations in terms of practical use (it is described as "flimsy" and any preacher with any limitations of movement would find it impossible to use safely) and the lack of function for a pulpit given the style of today's modern worship, nonetheless there is an acknowledged intrinsic value to the pulpit as a piece of ecclesiastical furniture based on the good quality workmanship of its execution, its style (albeit described by Ms Wilder Robinson as "*variegated and rather confused*") and design (according to Ms Robinson Wilder, typical of its period). These factors enable the pulpit to make a contribution to the interior beyond its lack of practical utility. Ms Robinson Wilder concludes that the removal of the pulpit will have a neutral impact on the high significance of the church. In particular she concludes, by reference to the level of contribution that it makes to the significance of the church, that its removal will "*...constitute a very slight loss that is within the 'Neutral' range...*"

43. In my judgment it is necessary to see the removal of the pulpit as part of the proposed scheme as a whole. Whilst consideration in isolation of the level of the contribution made by the pulpit to the significance of the church might lead to a conclusion that its loss would have a neutral (i.e. "*slight loss within the neutral range*") impact, when its removal is considered as part of the whole proposed internal reordering scheme, in particular the removal of all of the pews and the lectern as well as the loss of the pulpit, it seems to me that there is the potential for the impact of its loss to be greater than if it were the only

internal reordering change under contemplation. Where it is proposed to remove so much of the other internal fabric, I adjudge that the loss of the pulpit, with its acknowledged “...significance as part of the original plan for the church...” (per the parish’s response to the CBC dated 13.12.22, which also observes that the original Talbot Bury plan shows a hexagonal pulpit, albeit in a different location) will have a harmful effect on the church’s significance. In reaching the further conclusion that the level of the harmful impact would be appreciable, but low, I take account of the considerations and I have outlined above and also of Ms Robinson Wilder’s overall conclusion that the pulpit is of, itself, of “low to medium” significance.

The introduction of a low platform in front of the chancel step and modern liturgical furniture; underfloor heating; modification of the south porch; the introduction of an accessible platform to ensure accessibility to wheelchair users; alteration to the vestry screen; the replacement of lighting and AV services and general redecoration

44. In the event that the removal of pews and/or other existing furniture is permitted, there will be a need to introduce new liturgical furniture, and the design for the reordered interior proposes that this be situated on a low platform in front of the chancel step. Following some liaison with the CBC regarding the location of a ramp to access the dais and some revisions to initial proposals regarding the impact on the chancel there are no notable criticisms of this aspect of the proposals. I consider that there will be no negative impact on the significance of the church by these elements of the proposals.

45. I reach the same conclusion in relation to the proposed accessibility and entry point modifications, alternations to the vestry screen and AV, lighting and redecoration plans. None of the proposals under contemplation amount to changes which will harm the significance of the church, and rather the plans for these features introduce important benefits and improvements which will, if anything, enhance its appearance and thereby support or enhance its significance.

46. Following some initial correspondence with the DAC and the CBC regarding improving the detailed plans for introduction of underfloor heating (the current proposal is for this to be fed by an air source heat pump, replacing an existing boiler heating system), the Petitioners recognised that some issues require further thought. In particular, it is

recognised that the exclusive use of an air source heat pump is unlikely to produce sufficient heat for the interior, but that also the insulation of the extension might equally well lead to overheating. The outcome of these observations is that the Petitioners recognise that an M&E consultant should be engaged, under DAC guidance, to produce an options appraisal at an early stage in conjunction with the architect. Noting that all of the options that have been or are currently under consideration represent an improvement on the existing system in terms of environmental impact, I endorse this careful approach which will enable the church to achieve the most suitable approach to heating given the relatively complex needs of a substantially changed interior and linked extension.

Questions 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; and 4: how clear and convincing is the justification for carrying out the proposals?

47. In order to evaluate properly the justifications put forward in this case⁷ I consider that the matter should be looked at holistically.

48. The Petitioner's objectives through both the reordering and the introduction of an extension are to achieve an outcome where: there is a separate space for children's groups; there are areas which can be used and laid out flexibly for worship and community-based activities; whereby there are hospitality facilities of a modern standard; where there is a warm welcome which is accessible to all, including the ability for those with mobility issues to freely move around the church; and where there are spaces which can be used by small groups.

49. Good evidence, in my judgment, is provided to establish that this church is active, successful and an important place for worshippers and the wider local community alike. However its regulator worshipping community has a significantly aging profile and the Petitioners have provided what I consider to be a compelling explanation that, whilst it is attempting to nurture a thriving younger congregation, it is hampered in its efforts to do so by the present inflexible and crowded pewed layout of the interior and by the separation,

⁷ And to assess, under question 2 of Duffield, whether the presumption in favour of retaining the status quo is rebutted in respect of those aspects of the work where I have concluded that there is no harmful impact to significance.

distance and relative inaccessibility (which I experienced for myself during my site visit) of the present church hall. The hall is no longer fit for purpose and is poorly situated up a narrow road without footpaths, which presents potential safety hazards for those seeking to reach it on foot from the church, particularly children and teenagers. I attach considerable importance to the use of the proposed new spaces in the extension for providing for children to be involved in the life of this church. The combined effect of the extension and the space to be created in the interior is intended to be that of enabling the church to be used actively and purposefully in a number of different ways and, I find, to facilitate inter-generational worship in a way which is not presently possible. I am satisfied that there a compelling need for such arrangements to further the work and activities of the church has been established on the papers before me. I am also satisfied that there is no reasonably practicable alternative means of providing these facilities.

50. The impact on the appearance and character of the church by the proposed changes will be real and immediate, albeit that, for the reasons I have set out in some detail above, I consider that none of the proposed changes will have more than a low impact in terms of harm to significance. However, as the CBC also concluded in its own dialogue with the Petitioners, the needs to be met are pressing and important.

51. Paramount, in my view, is the need of this church to provide space where children can meet and can be introduced to faith and the life of the Church. The provision of a space where children can be present in the church building during services but where they can be separate for their own activities is a matter of real importance. Previous arrangements under which the Sunday School was held in the church hall involved children being escorted by adult marshals wearing fluorescent jackets up the narrow, single-track road to the hall, in the face of oncoming cars and without any footpath. Understandably this practice was stopped on the grounds of safety concerns. The layout of the church makes it impossible to conduct a Sunday school or any parallel activities for children whilst the main Sunday services are conducted, and to replace the loss of Sunday school at the hall, an additional “Family Praise” service was introduced, but again proved wholly unsatisfactory as there is no room for pushchairs, the service has to be conducted in a cramped space left by the removal of a section of pews in 1988. For now, a format allowing three separate, simultaneous teaching sessions during a Sunday service has been introduced, but the

breaking up of the flow of the service, the lack of soundproofing, seating and suitable areas for crafts and engaging activities for children make this an unsuitable long-term solution.

52. The fact that the extension offers the chance to facilitate children's activities and alleviate these problems, whilst also allowing the children to be close to parents, feel connected to the service and the church, are significant benefits. The importance of meeting those needs is such that the impact of the proposed changes relating to the extension aspect of the works, real though it will be, is clearly sufficient to rebut the presumption in favour of maintaining the status quo (per question 2 of *Duffield*, following my conclusion that the introduction of the extension will not harm the significance of the church).
53. It is queried by several consultees whether there is a need to make such impactful and extensive changes to the church interior if the extension is permitted, and it is suggested that granting permission for the extension will diminish any arguments which might otherwise have justified the internal reordering.
54. I do not agree. In my judgment, both developments are required in order to meet the parish's needs.
55. The provision of space to enable groups to meet in and to use the church without taking up the whole of the church and to enable such groups to be separate from other activities taking place in the church is an important need. But it does not answer the additional needs which are also clearly addressed, namely to be able to offer different styles of worship within the church interior – for example, informal worship, seating “in the round”, participation-based services and services where groups come and go from the main service. There is, in my opinion, a very clearly articulated and well evidenced need for the church to be able to attract and retain new worshippers by offering this range of fresh and modern worship through use of a flexible, un-pewed interior space. Being able to achieve this aim directly addresses the long-term viability of the church as a place of worship.
56. I should add that I have given careful consideration to possible alternatives to wholesale removal of the pews (the Petitioners having provided me with information on this point pursuant to my directions). I am satisfied that all of the options for retention of some proportion of the pews compromise important and much needed aspects of the reordering (including, but not limited to, retention of pews along the north aisle or in front of the vestry

taking up space required for storage; and retention of pews either side of the west door impacting upon accessibility and compromise the welcome space in that area) whilst not truly addressing the complaints of those who object to the removal.

57. I am therefore also satisfied that the justifications for the complete removal of the pews (save for the retention of a sample poppy head pew, which the CBC suggested and the Petitioners agree to) are cogent and convincing.

58. For the same reasons I am persuaded by the materials before me that, despite its moderate significance and the detriment to the church's significance (which, as I have concluded, will impact at a low level) that will be occasioned by its removal, there are also sound and convincing justifications for the removal and disposal of the pulpit.

59. I was concerned to understand the history and significance of the pulpit and the report of Ms Robinson Wild has been of assistance in doing so, per my assessment above. Taking into account the historical significance of the pulpit as contemporaneous with the rebuilding of the church, its attractive appearance and good level of craftsmanship, I nonetheless conclude that a strong justification for its removal has been presented. The pulpit cannot remain in its present position if the accessibility and flexibility aims of the proposal are to be achieved because introduction of a ramp to access the chancel and the new dais must be located on the north side, where the pulpit is presently, in order to ensure that there can be circulation around the platform (this is by reason of the projection of the last aisle column from the cross wall and the location of the existing door into the former vestry⁸ (which under the current plans, will become an office)). Alternatives for siting the pulpit elsewhere in the church run into the same issue as would retention of additional pews, namely that important accessibility, welcome or storage access aspects of the scheme would be compromised. Accordingly, I am satisfied that the justifications for the removal of the pulpit are also cogent and convincing.

60. In respect of the other areas of the proposed works (including the removal of the lectern, the relocation of the chest tomb, the introduction of the dais, ramp and liturgical furniture, the work to the vestry screen, the new AV, lighting and redecoration schemes proposed, the proposed accessibility and entry point modifications) I have concluded that these

⁸ This explanation was, I note, also provided to and endorsed by the CBC.

aspects will not harm the significance of the church. As such I must be satisfied, under *Duffield* question 2, that, in relation to these works, the presumption in favour of retaining the status quo is rebutted on the evidence before me.

61. Without unnecessarily breaking down each component it suffices to say that in each case I am so satisfied, noting that some of these “non-harmful” proposals are necessary to achieve the stated aims of the church and are variously integral to or consequential the creation of new space in the interior, and that others will introduce benefits to the church, including the smartening-up of its appearance and the improvement and updating of its tech offering. The benefits to be achieved through allowing these works to proceed rebut the presumption in favour of simply retaining the status quo.

Question 5: bearing in mind the strong presumption against proposals which will adversely affect the special character of a listed building, will any resulting public benefit outweigh the harm?

62. In my judgment the public will derive significant benefit if these proposals are carried out. The works answer the need, as I have found it, for provision of much-needed facilities for children, an improved welcome, greater accessibility throughout the church, the provision of separate, sound insulated spaces close to the main worship area for provision of concurrent, multi-age activities, the improvement of storage, the creation of adaptable, flexible space to accommodate multiple styles of modern worship and community events and the improvements and benefits to the congregation and wider community are likely to be significant. These factors outweigh the overall low to moderate levels of harm that I have found in this case.

Conclusion

63. In these circumstances I grant the petition for a faculty as sought, subject to the following conditions:
- 63.1. A sample poppy head pew end shall be retained in the church;
 - 63.2. Removal of the pews shall be mitigated by recording to Level 2 as described in Historic England’s guidance on good recording practice with the resultant record deposited within an archive related to the church and with some images

displayed within the church or extension building for interpretation and public engagement;

- 63.3. In so far as it is reasonably practicable to remove any of the pews intact and adapt them appropriately (for example by shortening), any such pews salvaged in this way should be offered for sale within the congregation and local community (e.g as shortened benches) and those remaining should be offered to other churches who may be willing to repair and reuse them. In default they should be offered to a church reclamation business or similar, failing which they should be disposed of in another appropriate way as approved by the DAC;
- 63.4. A plan shall be developed in conjunction with the DAC for the disposal of the pulpit, including consideration of the Church Commissioners' furnishings listing service or other routes by which it may be sold or gifted for reuse and appreciation in a different setting;
- 63.5. The Petitioners shall contact the original donors of the lectern to notify them and engage them in developing, along with input from the DAC, a plan for its disposal, which may include consideration of the Church Commissioners' furnishings listing service or other routes by which it may be sold or gifted for reuse and appreciation in a different setting;
- 63.6. All planning conditions (including those relating to archaeology) and Building Regulations (including part M requirements for accessibility) shall be complied with;
- 63.7. Electrical installation work or work to electrical equipment shall be undertaken by a person whose work is currently subject to an accredited certification scheme (e.g. the ECA, the NAPIT or an NICEIC Approved Contractor) and who carries full scope insurance to work on commercial systems in line with the requirements of the Ecclesiastical Insurance Group (and other church insurers). The contractors must comply with the current Requirements for Electrical Installations (IEE Wiring Regulations) and the best practice published by the CBC and St Albans DAC. For the avoidance of doubt, mains wiring installations

in churches should use cables run in rigid conduit or either PVC-sheathed MICV or FP200 Gold cables. Where another type of cable is proposed, specific advice should be sought from the DAC;

63.8. Details of the proposed heating installation are to be provided for consideration by the DAC before a contract is entered into for M&E works. In considering the options for heating, to be presented in an options appraisal, the PCC shall have regard to the published guidance of the CBC and St Albans DAC and is to develop a PCC plan to achieve Net Zero Carbon;

63.9. The design of the access ramp to the nave plinth shall comply in all respects with the Building Regulations Part M (including as to gradient and handrails extending beyond the ramp) and working details are to be provided to the DAC for advice;

63.10. At least 10% of the chairs for use in the church and extension shall have arms;

63.11. The insurer's reasonable requirements shall be observed.

64. The works must be completed within 60 months.

Lyndsey de Mestre KC

Chancellor

13 October 2023