

In the matter of Bowling, St John

Judgment

1. By an unopposed petition dated 10 February 2015 (but not lodged at the Registry until more recently) a faculty is sought for various works which in summary form comprise removing an existing extension on the north side of the church and constructing a spacious hallway, welcome area, toilets and store connected to the church through a new doorway into the narthex. Works to the car park, drainage, bicycle standards and the removal of two ash trees are also included.
2. The proposals in the Schedule of Works differ from those in the DAC Notification of Advice and I give permission for the Petition and dispense with further notice.
3. The revised proposals resulted, so I understand, from observations made on behalf of the Victorian Society during the course of a site visit in or about December 2014.
4. The views of the statutory consultees are as follows:

**English Heritage**

5. By letter dated 5 February 2015, English Heritage (as it then was) declared itself supportive of the proposal and made some helpful remarks with regard to materials.

**The Victorian Society**

6. By email of 11 March 2014, the Victorian Society commented adversely on the impact of the large-scale new structure as then proposed and continued to express reservations in later emails dated 11 March 2014 and 22 August 2014. The Society did not respond to a later consultation regarding the revised proposal. When served with notice by the Registry on 25 June 2015 under FJR r 8.3, Mr Tom Ashley apologised for the Society's oversight and indicated that it had no objection to the revised proposal. This was perhaps unsurprising since the revision has resulted from comments which the Society had itself made.

**Church Buildings Council**

7. By email dated 2 February 2015 the CBC offered it support to the latest iteration of the design.

**Bradford MDC**

8. A grant of planning permission for the revised proposals (as sought in the amended petition) was issued by the City of Bradford Metropolitan District Council on 29 April 2015.

### **Diocesan Advisory Committee**

9. The DAC issued Notification of Advice on 7 May 2015 recommending the works.

### **Response to public notice**

10. I understand that no letters of objection have been received at the registry following public notice.

### **The law**

11. Notwithstanding that this petition is unopposed, it relates to a Grade II listed building and it is incumbent upon the petitioners to prove their case.
12. Adopting the framework and guidelines commended by the Court of Arches in *Re St Alkmund, Duffield* [2013] Fam 158, a series of questions needs to be addressed whenever changes are proposed to a listed building. The starting point is a strong presumption against change and a significant burden lies on petitioners to rebut it.

*Would the proposals result in harm to the significance of the church as a building of special architectural or historic interest?*

13. I am not convinced that they would, certainly not in their revised form. A somewhat unsightly extension is to be removed and a more thoughtful addition created in its place, fashioned and tempered to harmonise with the historic structure in consequence, to a large degree, of the thoughtful and constructive comments made at the consultation stage.

*How serious would the harm be?*

14. The harm, if any, would be slight.

*How clear and convincing is the justification for carrying out the proposals?*

15. The Statement of Needs is cogent and convincing. The focus on disabled access and the creation of a community hub are particularly worthy.

*Will the public benefit outweigh any harm?*

16. Undoubtedly yes. What is proposed seems to be to have outreach and mission firmly articulated in both concept and delivery.

### **Conclusion**

17. The petitioners have satisfied me that a faculty should issue and I so order.

The Worshipful Mark Hill QC  
Chancellor

30 June 2015