Diocese of Exeter

Re St Peter Bratton Fleming

JUDGMENT

This judgment is supplemental to a judgment given by the Chancellor in respect of the church of St. Peter Bratton Fleming on 4th October 2010. It was originally delivered by email to the Diocesan Registrar.

1. I have now looked in detail at the original scheme, my judgment, the current proposals as explained in the Rev Austin's description, the plan F, the letters in support and the letters in opposition.

2. Time is pressing and a decision is needed so that work can commence as soon as possible. I am therefore communicating this decision to you in email form in the hope that this will give sufficient detail to all interested parties of my conclusion and the basic reasons that support it. If a more detailed judgment is required then I will consider preparing one in due course.

3. I propose to deal with each area of the church in the order of the list in the DAC certificate.

4. Before doing so it is necessary to explain that the apparent difference between the number of pews referred to in the DAC document and those counted by the objectors is explained in the recent DAC email (which should be copied to all interested parties). In essence the application and DAC certificate counted a pew as running across both the divide between the nave and the north aisle, whereas the objectors have counted these as two pews. I hope to achieve clarity in what follows in an unambiguous manner.

(a) Removal of 4 pews at west end to allow for gallery and storage area:

5. The construction of the gallery and storage area will absorb the space currently occupied by the most westerly pew (which is the one raised from floor level and is part of the current gallery structure).

6. The issue arises with respect to the 4 pews that sit in two rows astride the nave aisle immediately to the east of the current gallery.

7. Rev Austin states that the removal of these 4 pews is necessary so that the doors can open in such a way as to allow full and safe access. The removal is also needed to allow for the construction of the stair access to the new gallery.

8. The objectors question the need for the removal of all these pews. In addition the suggestion is made that the doors could be sliding doors, thereby obviating the need for any opening arc over the current pew area.

9. From my reading of the plans and photographs the most westerly pair of pews are in fact located in a position that is to be occupied by the door frame of the new gallery. On that basis they are part of the scheme that has already been approved and do not require any further consideration at this stage.

10. The issue is, therefore, focussed upon the pair of pews which are in line with the left hand of the three panes (when looked at from inside the church looking at the window) of the window nearest the gallery.

11. It is not possible from the drawings of the doors on the plans to determine whether the maintenance of these pews will cause the doors to impact with them and fail to achieve full opening. I can see that it is going to be a pretty close operation in any event.

12. It does not seem from the plans that access to the new stairs will be impeded by the maintenance of these pews. If temporary permission is needed for their removal during the construction work then that of course is a different matter and can be considered.

13. The thrust of my judgment on the issue of pews was to maintain the body of pews in the church. I am only therefore minded to approve the removal of pews if they are truly necessary to those parts of the refurbishment for which approval has been given.

14. At present I am not satisfied that removal of this pair of pews is necessary. There is a need (a) for the architect to consider how the doors can be positioned/designed to accommodate the pews (rather than the pews accommodating the doors) and if it remains the Petitioner's case that this cannot be achieved without removing the pews, then detailed measurements and a rough plan showing the position of the doors in relation to the pews must be provided.

15. For the present my original judgment on this area of the church stands, which includes within it permission for the most westerly pair of these four pews to be removed.

(b) Removal of 3 pews at rear of north aisle to allow for access to new extension

16. I propose to count these as six pews, being the three pairs of pews at the rear of the north aisle.

17. Rev Austin explains that the removal of these pews is necessary in order for wheelchairs to gain untrammelled access to the new doors. The architect has advised that for safety and the inevitable congregating that occurs around doorways, and area should be cleared of pews on both sides. An added advantage to this proposal is said to be that it will create an open walkway from the south aisle to the new build doorway.

18. The objectors again question the need for the removal of all of these pews. They refer to the fact that the judgment came down against the removal of the whole body of pews and argue that this proposal eats into that body to a notable degree.

19. It is of note that the doors of the new extension open inwards and thus the clearing of pews is not needed to accommodate the arc of the door's movement.

20. I accept the general thrust of the advice given by the architect. My recollection of this area, assisted by the one photograph that shows it, is of a small and narrow part of the church. Despite the fact that the doors open inwards, it is necessary to have a marshalling area in the vicinity of these doors both for ordinary use and so that those using wheelchairs have sufficient space to operate.

21. There is also a need for the new opening to be welcoming and to dovetail into the rear of the north aisle; having pews right up to the doors would not fit with this aim.

22. No detailed measurements or drawing have been supplied.

23. My starting point is to remain true to the conclusion in the main judgment, which is to maintain the body of pews. Permission will only be justified for the removal of pews which are truly necessary to allow the new build to work alongside the main church building.

24. I am not satisfied on the information provided that it is necessary for all six of these pews to be removed. The positives and necessary features described above can, in my view, be achieved if the rear four pews (two pairs) are removed. This would leave a pair of pews in line with the pews that are to remain on the south wall.

(c) Remodel steps to pulpit

25. This is uncontroversial and is an entirely sensible proposal for which I give my approval.

(d) Removal of 2 pews from east end of nave; amend pew platform

26. The proposal is to remove the front row of pews on the north side of the nave. These are comprised in two rows and, given the box divide the runs down the middle, I count as four pews.

27. The main reason in support of the proposal is that unless these pews are removed it will be impossible for worshippers to gain access to the communion rail in its new position.

28. A subsiduary reason is that it is proposed to finish off the removal by fronting the new 'front' pew with one of the choir stall frontals that are proposed to be removed from the chancel.

29. Those objecting accept the logic of removing the southern two pews but not those on the northern side of the box divide. They also rely upon the general argument that each pew removed eats into the body of pews which the judgment determined should remain.

30. If the only determining factor in relation to this issue were necessity, I would agree with the objectors that only the two southern pews would need to go. However I do think that there is a benefit in finishing off this area by including the choir stall frontal and this can only be achieved if the other two pews go.

31. There is also benefit in having room for the free flow of communicants across the top of this run of pews.

32. For the reasons that I have summarised in favour of this proposal, and despite holding, as I do, to the emphasis in the judgment on maintaining the body of pews, I consider that this proposal is justified both as to the necessity for the use of the communion rail and also the opportunity to reuse the choir stall frontal in a prominent position.

(e) Remove two choir stalls; relocate one to east wall of north aisle, the other to be incorporated into the current plans, or disposed of;

(f) Remove two choir frontals; relocate one to east end of nave block of pews, the other to be stored.

33. My reading of the original papers and my judgment is that I have already approved the removal of the two choir stalls and choir frontals. In so far as these new proposals identify the use to which these pieces of furniture are to be put, I approve this reuse given that the woodwork is to remain in the church (or stored). I therefore give approval for these proposals.

34. In summary therefore I approve:

    (a) the most westerly pair of the four pews at in the south of the nave were already approved for removal in the original scheme. No additional approval is given for the removal of any other pews in this area.

    (b) approval is given for the removal of two pairs of pews (four pews in all) at the west end of the north aisle but not the additional pair of pews for which approval is now sought.

    (c) approval is given for the remodelling of the pulpit as proposed

    (d) removal of two pairs of pews (four pews in all) as proposed is approved at the east end of the nave.

    (e)+(f) approval (in so far as it was not given in the original judgment) of the current proposal regarding the choir stalls and frontals.

Sir Andrew McFarlane
Chancellor

26th May 2011