

In the Consistory Court of the Diocese of Worcester

Archdeaconry of Worcester: Parish of Evesham: Church of All Saints with St Lawrence Faculty petition 11-46 relating to access ramp and stairs

Judgment

Introduction

1. This petition is for a faculty to install a ramp and steps into the Church of All Saints with St Lawrence, to facilitate access to and from the church by those who are less mobile.
2. The church is a substantial building, with some masonry from the 12th century but generally dating from the 14th and 15th centuries. The relevant entry in the National Heritage List for England states as follows:

“The church of All Saints, Evesham, is listed at Grade I for the following principal reasons:

 - * It is a substantial and well-preserved medieval town church that contributes to the historic integrity of the former abbey precinct, thus possessing strong group value.
 - * For the extent of its surviving medieval fabric, including C15 nave arcades, tower and spire.
 - * It has fine C16 work in the porch and south chapel.”
3. This proposal is clearly sensible in principle, as recognised by all (including English Heritage), in that it must be desirable to facilitate access to and from every church by those who are less mobile. The Diocesan Advisory Committee (DAC), although initially unenthusiastic, has now recommended the proposal following revisions; and the SPAB has chosen to make no comment.
4. However, English Heritage is understandably concerned that the visual impact of the new structure is minimised, bearing in mind the importance of the building, and feels that the proposed structure could be better designed in various ways. It has formally objected to the petition.
5. English Heritage has not insisted on an oral hearing, and I agree that it would be expedient in all the circumstances for this petition to be determined on the basis of written representations.

The proposal

6. The church is open daily, both for public worship and for the benefit of visitors. There are a number of doors into the church, but inside each doorway there is a small flight of steps going down to the level of the nave and the side aisles. The proposal is to introduce a new structure just inside the north door, which is the main entrance in regular use, to provide step-free access. The door is slightly to the west of the mid-point of the north wall of the north aisle.
7. Those coming in through that door would be faced with a choice. They could turn left and walk down a long ramp, immediately adjacent to the north wall, which would take them down to the north chapel, and thence to the chancel steps, at nave level; the base of the ramp is in line with the west wall of the north transept. Alternatively, they could turn right and walk down a short flight of three steps, arriving at the west end of the nave, in the area where the refreshments are served and notices are displayed.
8. To the north and south sides of the ramp and the steps – between them and the north wall and between them and the remainder of the church – are protective screens, each consisting of a row of glass panels, above a long rectangular wooden plinth section. The top of each screen, and the junction between the glass and timber elements of it, are both parallel to the floor. The handrail is attached to the inside face of each screen, parallel to the slope of the ramp and steps.

The objection

9. English Heritage in its objection makes two suggestions, both relating to ways in which the structure could, in its opinion, be made less intrusive.
10. Firstly, it is said, the ramp and steps could be swapped, so that the ramp would run westwards from the door (including, if necessary, a change of direction) and the steps would run eastwards. That would result in the whole structure being less intrusive.
11. Secondly, the top of each of the protective screens could be realigned so as to be parallel with the slope of the ramp and the steps. Each of the glass panels would thus be a parallelogram instead of, as currently proposed, a rectangle; and the timber plinth would be a triangle, vanishing to a point at the end furthest from the door. This too would be very advantageous in playing down the apparent bulk of the new structure.

Assessment

12. It is of course the duty of the court to determine the petition as it is presented, and to determine whether the works proposed are acceptable. The fact that there may be a better proposal is thus generally only relevant if the implementation of one proposal necessarily prevents the implementation of another, much better proposal. But it may also be relevant in an assessment of whether the submitted proposal is necessary. The position was summarised as follows by this Court in *Re Great Malvern Priory*:

“... it is sometimes argued that a proposal should not be allowed because there is a better way of achieving the same or similar result. However, a faculty is merely a permission; it does not require the works permitted to be carried out. The test is thus whether the works that are now proposed meet the tests outlined above (and any

others that are applicable). It is therefore generally not relevant that there might be some other proposal that also meets those tests—either to achieve the same purpose or indeed to achieve some other purpose, said to be more important. It is always open to anyone to submit a subsequent faculty petition for a different proposal; and it would be perfectly possible for two alternative schemes, each beneficial in its own way, both to be authorised. However, it might be relevant to consider alternative proposals where it is being argued that a proposal that is harmful is nevertheless necessary—for example, it would be difficult to argue successfully that a proposal is necessary if objectors to it were able to point to an alternative means of achieving the same result that was less harmful (albeit possibly more expensive).”¹

13. In the present case, I agree with English Heritage that the proposal is somewhat intrusive, especially in such a prominent location in an important building.
14. On the other hand, I accept the argument of the parish that it is more sensible that the ramp and the steps should be aligned as proposed, rather than as preferred by English Heritage.
15. First, the ramp arrives at a part of the church that is not used for worship, and enables those in wheelchairs to arrive at the front of the nave, not at the back, which seems in principle better – although it is to be hoped that suitable facilities are available at the front of the nave to house those worshipping in wheelchairs, so that they do not have to go to the back.
16. Secondly, the proposal only requires moving the organ console; but that is apparently perfectly possible – and the new position is indeed preferred by the choirmaster.
17. Thirdly, the new steps land in the west end, which is the main welcome area. If the ramp were to be in this area, it would either have to be significantly shortened – which would mean that it would probably be unacceptably steep – or else it would have to contain a right-angled turn, which would also be unsatisfactory. Either way, it would take up space at present used for notice boards etc, which would be unfortunate.
18. I thus conclude that the proposal would cause slight harm to the special character of the church as a building of special architectural or historic interest, but that:
 - the harm is relatively minor;
 - a ramp is in principle desirable;
 - any ramp structure elsewhere in the church would be equally or more intrusive;
 - a ramp re-oriented as suggested by English Heritage would be almost as harmful visually, and might even be worse in its effect on the character of the building; and
 - the alternative position suggested by English Heritage would be functionally undesirable, such that the need for the works to be implemented as proposed outweighs the visual harm caused.
19. I am therefore satisfied that a faculty should issue in principle.

¹ [2009] PTSR 1408, at paragraph 59.

20. However, the second point made by English Heritage, as to the detailed design of the new structure, seems to me to have some force. The proposed design, with a rectangular panel to either side of the stairs and ramp, would indeed add to the intrusive massing of the structure; and I agree that it would be advantageous for this to be played down.
21. I consider that the amendment to the design suggested by English Heritage, outlined above at paragraph 10, would be a worthwhile improvement that would add little or nothing to the cost. However, it would need to be carefully detailed, especially at the point of the triangle adjacent to the base of the ramp, to ensure a proper fixing to the floor.

Decision

22. A faculty should therefore issue to authorise this proposal, subject to a condition that the proposal be amended so that:
 - (a) the top of the protective screens to each side of the ramp and the steps is realigned so as to be parallel with the slope of the ramp and the steps,
 - (b) each of the glass panels in the screen is thus a parallelogram instead of, as proposed, a rectangle; and
 - (c) the timber plinth at the base of the screen is in the form of a triangle, vanishing to a point at either end, furthest from the door.

The details of the amended proposal should be approved by the court, following consultation with the Diocesan Advisory Committee and English Heritage, before any works start, and the proposal should be implemented in accordance with the details thus improved.

23. The DAC recommendation was subject to a proviso that the parish consult the DAC archaeological advisor with regard to possible archaeological implication before work commences. In this case, it seems to me that the scheme will have no archaeological implications; but I accept that it would be desirable to record the relevant part of the church thoroughly, with suitable photographs, before and after the carrying out of the works.

CHARLES MYNORS

Chancellor

2 August 2011