

**Diocese of Sheffield
In the Consistory Court**

**Holy Trinity and St Oswald Finningley
Petition for works of reordering**

Judgment

1. In this matter a Petition dated 19th October 2015 is presented by the incumbent and churchwardens of Holy Trinity and St Oswald Finningley for permission to carry out works of maintenance and re ordering. The church is a Grade 1 listed building.

2. The Church

1. The setting

Holy Trinity and St Oswald Church (the church) is the oldest building in the village of Finningley and is in a conservation area. It is well loved and well maintained and an integral part of the local community. The older part of the churchyard has been managed as a wild life conservation area with considerable success. Finningley was once a predominantly rural parish and is now said to be a relatively affluent village. The population is growing with new development and this is set to continue.

The church holds weekly services on Sunday which are well attended by an average of 84 parishioners. When there are baptisms the attendance often exceeds the maximum capacity of the church and this is also true of weddings which take place at the rate of about 14 a year. There are approximately 13 funerals a year and lack of seating capacity inside the church has on occasion required the broadcasting of the service outside. In addition to these services the church holds regular memorial services, a Remembrance Sunday Service, a Carol Service and a Christingle Service. The building is also used by the community for numbers of events during the year and there is a good relationship with the local primary schools. The church school holds its leavers' service, Easter and Christmas services in the church.

2. The history and the building

There has been a church on the site since Saxon times. The village of Finningley is mentioned in the Domesday book. The manor is said to have been given by Queen Elizabeth 1st to Martin Frobisher a renowned admiral and his family held it until the end of 17th Century when Cornelius Vermuyden acquired the land while attempting to drain the fens to the east of the village.

The church itself has been cared for, altered and added to at different points in its long chronology.

The tower dates from the late 11th century.

The tub font is Norman

The unrestored south door is 12th century.

The nave is 12th century.

The chancel is early 14th century

The north aisle is 15th century.

The pulpit has the date 1604 carved into it with the name Thomas Partrick (it is not known who he is)

There are three bells hung in the tower; two are dated: one 1621 and the other 1700

The church was restored in 1885 by C. Hodgson Fowler.

The pews were installed in 1914.

There is a plaque to the RAF which came from RAF Finningley's chapel when it closed in 1995.

At present at the base of the tower there is a single toilet and a small kitchen. I am not told when those were installed.

C. Hodgson Fowler was a prolific ecclesiastical architect during the Victorian age. He was responsible for the restoration of a very large number of churches between 1864 and 1895.

3. The listing

The building was listed in 1988 and the listing information reads as follows:-

Church. Late C11, C12, C14 and C15; restored 1885 by C. Hodgson Fowler. Rubble stone, Welsh slate roof. West tower, 3-bay nave with south porch and north aisle; 3-bay chancel. Tower: late C11; 3 stages. Quoins, chamfered plinth; west side has round-headed and rectangular slit windows. String course beneath louvred belfry openings of 2 round-headed lights divided by shafts with block capitals set in round-arched recesses. Offset string course beneath embattled ashlar parapet. Nave: plinth, quoins. Gabled C19 south porch with wooden Tudor-arched entrance and inner side walls incorporating medieval cross slabs. Unrestored C12 south door with shafted jambs, damaged carved capitals and roll-moulded arch with hoodmould. On left of porch is a restored, square-headed 1-light Perpendicular window; on right are 2 restored 2-light windows with ogee lights and square heads. C15 north aisle, unrestored and of larger rubble: lower quoins of blocked north door; square-headed windows of 2 and 3 cusped lights in hollow-chamfered surrounds; string course with gargoyle beneath parapet with moulded copings. Chancel: early C14; small priests' door with chamfered, pointed arch and hoodmould; two, pointed 2-light windows on right have quatrefoils and hoodmoulds. Offset diagonal buttresses flank cusped 3-light east window with wheel-traceried heady east gable copings with cross. North chancel window as south; continuation of aisle has plain square-headed 3-light window and Tudor-arched 3-light window with hoodmould.

Interior: low C12 tower arch with chamfer, impost band and hoodmould. North arcade has octagonal piers with moulded capitals to double-chamfered arches; round-arched head to blocked north door. Outstanding nave roof of 5 bays with arch braces rising from short posts to moulded tie beams having rosettes in the mould and bosses beneath king posts; carved quadrant braces from tie beams to king posts have carved rosettes and cusping; brattished wall plate, butt purlins with hollow-chamfered arrises, longitudinal braces from king post to ridge. Chancel arch: and trefoiled responds to a cavetto-moulded,

pointed arch with hoodmould; string course runs around east end and forms hoodmould to 3-seat sedilia, piscina recess and priests' door. Chancel roof: moulding to arch-braced principal rafters with braces to ridge from spandrel pieces; various repainted floral bosses; masks on the wallplates. Font: plain round tub on 2-step plinth; Jacobean wooden cover. Pulpit: hexagonal; oak-panelled with moulded cornice and date '1604/Thomas Partrik'. Monuments: on north aisle wall in ogee recess to John Harvey (d.1835) below it a brass records the restoration of 1885. Marble wall monument to north of chancel east window to Edmund Harvey (d.1823: erected 1828 by John Harvey) has cherub beneath corniced panel with side scrolls and cartouche over.

4. The reordering plans in outline

The petitioners wish to change the inside layout of the church.

The present church users consider that the layout of the building inside is rigid and prevents them from using the space creatively. They want the flexibility of chairs that can be moved around in order to be able to make different types of space as and when necessary. The petitioners firmly believe they could seat more people on chairs that they can on pews and consider that they would be able to seat up to 170 people compared to the 101 maximum now.

They wish to remove two rows of choir pews including the ministers' stalls leaving a single row of choir pews.

They wish to retain and use elsewhere the ornate wood of the present ministers' stalls and choir pews.

In addition they wish to install a second toilets and a better kitchen. They describe the present facilities as totally inadequate particularly for special events. This would entail a second toilet at the base of the tower and the installation of a better equipped kitchen at the western end of the North Aisle behind a curved screen which would curve around the font. The space intended for the new kitchen is used for storage at present.

The pulpit would be moved in the reordering from the east end of the north aisle (where it is not used at present) to a more useable position at the east end of the south aisle with only one step up to access it.

3. **The proceedings**

1) The works for which permission has been sought have been in the planning for some considerable time and there have been consultations throughout with the DAC and with the relevant historical bodies and the Church Buildings Council. The DAC considered the proposals which are the subject of the petition on 11th November 2014 and recommended their approval by the Court subject to a number of provisos. The PCC of the parish have considered the provisos of the DAC and they are now adopted in their entirety as part of the proposals.

2) It was necessary to consider this petition at very short notice in October 2015 because the church was at risk of losing funding for works to the Church roof which are included in the petition. The funding had been granted on the basis that the works would be approved and commenced within a fixed time frame. I therefore considered the papers then submitted with the petition and concluded that whilst I could grant an order which approved the roof works I could not deal with the other works having

regard for the confused and contradictory state of the evidence filed with the petition at that time. I therefore gave directions that a faculty be granted to permit the works to the Church roof to proceed. I also made a number of directions to permit proper consideration of the other works and adjourned a decision about them until those directions had been complied with. Since then a great deal of work has been undertaken by the QI architects and by the Diocesan Registrar to clarify matters.

- 3) I note that the works for which permission is sought are worded in the petition as:-

“the reordering of the interior of the Church of St Oswald to include the following”

The proposals as I have outlined in fact entail the removal of all of the pews from the nave and their replacement with chairs in addition to the dismantling and removal of parts of the Victorian chancel fittings. This was not expressly obvious from the list of works in the petition. I had to glean these aspects of the proposals from the Statement of Need, the DAC provisos and the plans. I further note, however, that the public notice displayed from 4th September 2015 until 4th October 2015 did not incorporate the “works to include” wording but simply listed the works as I have above. An additional public notice as to the removal of pews and the dismantling of the choir stalls has now been displayed. I am grateful to Smyth Roper, the QI architects, for who appear to have undertaken a great deal of work in consultation with the Diocesan Registrar to comply with the Court’s directions to enable the Petition now to be considered.

- 4) The Church Buildings Council, Historic England, and the Victorian Society have each responded to the October directions. As I understand the replies and the earlier correspondence, Historic England approves of and endorses the plans and many of the DAC provisos arise from their suggestions. The CBC and the Victorian Society have replied to the letter sent as a result of my directions with arguments against some aspects of the works advanced in correspondence. So far as I read the correspondence neither body seeks to be made a party to oppose the petition either at a hearing or by formal written submission. I therefore propose to proceed to deal with this matter and to take note of what they have said in correspondence as part of my considerations. The Society for the Protection of Ancient Buildings has not so far as I am aware so far replied in accordance with the invitation extended by the directions but I propose to work from their letter of 13th October 2014 as constituting their comments on the scheme to be taken into account by me.
- 5) I was concerned that the works to the southern porch would need to have planning permission as well as faculty authorisation. That has now been clarified. The local authority regard the simple resetting of the flagging as being a work with no aesthetic significance which will not affect the existing external levels and therefore there would be no need for planning permission. The works proposed to the doors of the outer south porch

under the DAC proviso are regarded potentially as works of significance and I am asked to hold off a determination on this until the detail of the proposed doors are known and the local authority have been further consulted.

- 6) It therefore now falls to me to consider whether to direct that a Faculty be issued in respect of the works. I note that the delay caused by the original state of the documents has meant that the Petitioner has missed another round of funding. This is most unfortunate but the Faculty process and jurisdiction should not be treated as if it were either simply a rubber stamp or an annoying obstacle to church plans. Both the Registrar and I must, in order to discharge our duties lawfully, approach petitions concerning listed buildings with necessary rigour. The jurisdiction constitutes a privileged exemption from Listed Building Regulation granted to the established church which is risked unless rigorous scrutiny can be demonstrated. Unfortunately both the paucity of the initial presentation of this matter together with the preference of the consulted bodies not to become parties or make formal submissions or participate in a hearing but instead to advance objections in correspondence has rendered the task unnecessarily onerous.

4. The works

- 1) The works now to be considered are as follows:-
1. Levelling of the paving outside the south porch, replacement of the 20th century external doors
 2. Works to the west end tower room to provide two toilets and new screening for chair storage.
 3. Works to provide a kitchen at the west end of the north aisle enclosed behind screens.
 4. Re fit-out of existing vestry including replacement of the north aisle eastern screen.
 5. Levelling of the nave and north aisle floor to provide level access throughout the building.
 6. Works to improve the heating installation following the recommendations provided by the diocesan heating consultant.
 7. Upgrading of the existing audio visual system as the attached specification.
 8. The re-decoration of the church interior walls complete. (I assume that this last is meant to say “after completion”)
- 2) I must also consider whether to authorise pew removal and the dismantling and removal of part of Chancel fittings including the choir pews and clergy stalls (minister’s desks) . I am satisfied that I am now able to do so by reason of the second public notice and the fact that it is plain that the

historic bodies consulted are aware of those aspects of the plans and have had the opportunity to advance arguments against them.

3) The provisos of the DAC which are now adopted by the Petitioners are as follows and are set out here as worded by the DAC in their Notification of Advice of 26th November 2014 :-

1. That the existing drainage route through the west face of the Norman tower will be used and mechanical extract and soil vent pipes to be vented at high level within the tower structure.
2. The 18th Century panelling on the north wall of the vestry to be retained.
3. The recent infill timber doors to the outer south porch to be replaced with modern equivalents free of lead comes and to better relate to the existing details of the porch.
4. The installation of new notice boards on the western wall of the southern porch to not take place.
5. The originally proposed Karndean flooring to the nave to be replaced with engineered oak boards laid to reflect the north-south east-west routes.
6. The two ledger stones at the east end of the nave to be preserved and recorded before covering.
7. To retain the historic carvings from the identified choir stalls and incorporate them into the new screens at the west end of the church. All sections to be retained and reused and treated for woodworm if required.
8. The sanctuary carpet to be removed.
9. The pulpit to be relocated to the south side of the nave, west of the chancel arch on a reduced base. The modern steps to the existing location may be replaced if not suitable for re-use.
10. Discreet highlighting to illuminate the font and the Norman detailing of the southern doorway within the porch.
11. Final AV specification to be agreed with the DAC AV Adviser for consideration by committees should substantive aesthetic alterations be requested.

5. The Law

In respect of each aspect of the work and overall I must ask myself a series of questions derived from *In re St Alkmund, Duffield [2013] Fam 158 (Arches Ct)*

The questions, taken from paragraph 87 of the decision of the Court of Arches are 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 not, 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 that there is a strong presumption against proposals which will adversely affect the special character of a listing building will any resulting public benefit (including matters such as liturgical freedom, pastoral mission, opportunities for mission, and putting the church to viable uses that are consistent with its role as a place of worship and mission) outweigh the harm?*

In answering question (5) the more serious the harm, the greater will be the level of benefit needed before the proposals should be permitted.

This will be particularly the case if the harm is to a building which is listed Grade 1 or 2 where serious harm should only exceptionally be allowed.*

6. **Decision and Reasoning**

(I propose to deal with the works in the order in which they appear in the Petition and the DAC Notification)

1. Levelling of the paving outside the south porch, replacement of the 20th century external doors

I am satisfied that the levelling of the paving is a simple work of maintenance demanded for reasons of safety and will not impact any harm to the significance of the church as a building of historic interest and is readily justified. I propose to direct that a faculty be granted accordingly. For the reasons suggested in the letter of Smith Roper of 17th December as to the need for possible planning permission for the doors once the details are known. I adjourn consideration of the replacement doors until that issue is resolved.

2. Works to the west end tower room to provide two toilets and new screening for chair storage.

- a) I am satisfied that installation of a second toilet where the existing small kitchen is situated does not impact upon the significance of the church as a building of historic interest and is readily justified. This is a well used and busy building and one toilet is plainly insufficient at events and services as well attended as are those which are held here. I propose to direct that a faculty be granted accordingly.

- b) The proposal of screening for chair storage is inextricably linked to the proposal to remove pews and replace them with chairs and indeed to the proposal to dismantle and remove the front two rows of the clergy stalls and choir pews in the chancel because the proposal entails the wood and carvings from the latter being preserved and incorporated into the screens for the chairs and for the vestry. This is therefore the

appropriate point to consider the issue of pew removal and choir pew and clergy stall removal.

Pews

The Duffield Exercise

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

I am satisfied that the removal of the pews would result in harm to the significance of the church as a building of special architectural or historic interest having regard for the submissions of the Victorian Society.

My interpretation of the perspective of the other bodies is this:- The CBC wished the proposal to be fully justified but, it would seem, anticipating its being granted, wished to emphasise the importance of the pews being replaced with high quality wooden none upholstered seats.

The SPAB deferred to the Victorian Society and also emphasised the importance of having high quality wooden non-upholstered replacement chairs if granted.

Historic England's Dr. Green was in favour of the proposals both as to pews and choir stall after her visit to the Church.

The Victorian Society oppose the removal of the pews They suggest that the pews add structure to the space and that removing them could "easily" result in the building being stripped of its richness. They suggest that they would not object to the removal of the nave pews if the choir stalls and the ministers' desks are retained. As far as I am aware, however, they have not sought to become parties opponent to this petition and I am concerned that a conditional non opposition is an inappropriate position to hold at the point of the proposals being examined by the Court. I therefore proceed with the exercise of looking at each aspect of the plans and evaluating it according to the lawful test both separately and as part of the plans as a whole.

Having studied the plans of the existing church as it is and as it would be and looked carefully at the photographs of the church in use included in the Statement of Need I consider that the change proposed would result in the impact of the Victorian restoration being diminished both in terms of the structure of the space in the church and its appearance. Therefore the historical significance of the Church as an ancient church which benefited from restoration by a renowned Victorian architect is lessened and harmed.

2. *If the answer to question (1) is not, 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.*

The answer to (1) was yes and this question therefore does not apply

3. *If the answer to question (1) is yes, how serious would the harm be?*

Although I do consider that the removal of pews would result in harm to significance of the Church as a building of special architectural or historic interest I do not consider that the harm of removing the pews would be serious. This is because:-

The pews, by the date of their installation in 1914 came well after the Victorian works of restoration.

Whilst they are handsome they are plain and do not hold any particular aesthetic qualities.

I seek to assess the harm of the removal of the pews under this paragraph by viewing that removal within the context of the complete plans for reordering.

It is likely that this church is grade 1 listed not because of the Victorian restoration by a prolific architect or because of the presence of the 1914 pews but by reason of the quality and beauty of its structure and features which predate those features by centuries. That is not to say that those features are not of importance but instead to say that a reduction of their prominence overall looking at the impact of such reduction upon the whole church is at least neutral but might even enhance rather than detract from the more ancient features. I derive that conclusion from my own assessment of the plans and pictures but also from the support of the plans overall by Dr. Green of Historic England.

I also consider that it is a significant factor, in measuring harm under this paragraph that the Victorian features of this church are not to be stripped away completely but are to be prominently featured within the new screens. Thus the Victorian contribution to the beauty of the church will remain a feature but no longer a dominant feature.

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

The case for removing the pews is well argued in the statement of need. I prefer the view set out in the statement of need as to the increased capacity that the use of chairs rather than pews will bring. The use of chairs and the flexibility to change the internal space as and when required for different types of events is also well argued. I accept that this church is used for community purposes as well as worship and that attenders for such events are not well accommodated on pews.

It seems to me that the removal of the pews is an integral part of the aesthetic of the reordering plans overall and is strongly justified if the plan overall is justified.

5. *Bearing in mind that there is a strong presumption against proposals which will adversely affect the special character of a listing building will any resulting public benefit (including matters such as liturgical freedom, pastoral mission, opportunities for mission, and putting the church to viable uses that are consistent with its role as a place of worship and mission) outweigh the harm?*

In answering question (5) the more serious the harm, the greater will be the level of benefit needed before the proposals should be permitted.

This will be particularly the case if the harm is to a building which is listed Grade 1 or 2 where serious harm should only exceptionally be allowed.*

The balancing exercise required of me by paragraph 5 results in a clear conclusion that the limited harm that removal of the pews will cause is outweighed by the clear benefit to the church that such removal will bring because of the resulting opportunity to accommodate more people on chairs and to use the space for both worship and other events both church and community much more flexibly as cogently argued in the Statement of Need.

Given the stress laid by the experts of the historical bodies on the importance of the replacement chairs being of high quality and none upholstered I propose to add to the provisos accordingly and provide for consultation with the DAC as to the seating with liberty to apply in the event of disagreement.

Removal of stalls and pews from the Chancel

The Duffield Exercise

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

I am satisfied that the removal of the chancel fittings and furniture would result in harm to the significance of the church as a building of special architectural or historic interest having regard for the submissions of the Victorian Society.

My interpretation of the views of the other bodies is as set out under the paragraphs above about the removal of the pews.

The Victorian Society are trenchant in their opposition to this aspect of the proposals arguing that “the removal of these handsome fittings is not justified”. They suggest that the proposals could “easily” result in the building being stripped of its richness. Having studied the plans of the existing church and looked carefully at the photographs I consider that the change proposed would result in a diminution of the impact of the Victorian restoration both in terms of the structure of the space in the church

and its appearance and therefore the historical significance of the Church as an ancient church which benefited from restoration by a renowned Victorian architect is lessened and thereby harmed.

2. *If the answer to question (1) is not, 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.*

The answer to (1) was yes and this question therefore does not apply

3. *If the answer to question (1) is yes, how serious would the harm be?*

Although I do consider that the removal of the clergy stalls (described by the Victorian Society as Ministers' desks) and two of the three choir pews in the chancel would result in harm to significance of the Church as a building of special architectural or historic interest I again do not consider that the harm of removing these features would be serious. This is because:-

As I have set out in the paragraphs dealing with the pews above I think it likely that this church is grade I listed not because of the Victorian restoration by a prolific architect but by reason of the quality and beauty of its structure and features which predate that restoration by centuries. That is not to say that the Victorian features are not of importance but to conclude that a reduction of their prominence looking at the impact of such reduction as a whole on the building is no more than neutral and may well enhance and not detract from the other ancient features. This is more finely balanced conclusion than that reached with regard to pew removal but I again derive the evidence for my conclusion from my own assessment of the plans and pictures and also from the support of the plans overall by Dr. Green of Historic England. I also consider that it is a significant factor, in measuring harm under this paragraph that the Victorian features of this church are not to be stripped away. Indeed the stalls at the back of the choir stalls and the surrounding panelling are to be retained as they are. In addition the carvings from the rest are to be prominently featured within the new screens at the base of the tower for pew storage and around the refitted vestry.

Thus I am satisfied the Victorian contribution to the beauty of the church will be conserved and will remain a feature but not the dominant feature of the interior.

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

The case for the changes to the fittings in the chancel is also well argued in the Statement of need as follows:-

“This space would now be available for small groups to meet – such as our lent course, PCCs, nurture groups, prayer meetings. In

addition it would provide much needed space for our music group, provide a stage area for our own shows and presentations, as well as visiting choirs and groups. It would also provide an intimate space for the renewal of wedding vows which happens quite regularly in the year.”

I infer from the Statement of Need that the creation of additional space in the chancel by the proposals would result in that space, at the heart of the church being much more effectively used than at present both during worship and for smaller meetings.

It also seems to me that the alteration of the chancel as proposed is also an integral part of the aesthetic of the reordering plans overall and are strongly justified if the plan overall is justified.

5. *Bearing in mind that there is a strong presumption against proposals which will adversely affect the special character of a listing building will any resulting public benefit (including matters such as liturgical freedom, pastoral mission, opportunities for mission, and putting the church to viable uses that are consistent with its role as a place of worship and mission) outweigh the harm?*

In answering question (5) the more serious the harm, the greater will be the level of benefit needed before the proposals should be permitted.

This will be particularly the case if the harm is to a building which is listed Grade 1 or 2 where serious harm should only exceptionally be allowed.*

I have concluded that the harm to be assessed under paragraph 1 is not serious for the reasons I have set out above. I have also concluded that the justification for the proposals is clear and convincing for the reasons above.

The balancing exercise required by paragraph 5 results in my concluding that the limited harm contemplated is clearly outweighed by the benefit to the church. I consider that the use of the space at the heart of the church will be more effective and meaningful. The change proposed forms part of the whole of the reordering scheme which I am conclude enhances rather than detracts from the ancient features of the church. I am also heavily influenced by the respect the proposed design overall is to pay to the Victorian restoration: the choir pews abutting the chancel walls (the back row) are to be retained and the carved sections of the removed parts are to be incorporated into the new screens so as to allow the Victorian contribution to the history and structures of this church to be very effectively retained and displayed without it being the dominant feature.

I therefore propose to direct that the faculty to be issued includes permission for this aspect of the work.

3. Works to provide a kitchen at the west end of the north aisle enclosed behind screens.

There are two aspects to this aspect proposed works. The first is whether a kitchen should be installed at all in an ancient building and the second is if, it should whether this is the right location and is the screening proposed justified. The plans provide for white curved screening which will both screen the kitchen and curve around the font in its present position.

I apply the Duffield questions to the proposed kitchen plans 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?*

I am satisfied that the installation of a kitchen behind the proposed screen would result in harm to the church as a building of special architectural or historic interest.

2. *If the answer to question (1) is not, 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.*

I have concluded that the kitchen plans do constitute harm and therefore do not consider the question under these paragraphs

3. *If the answer to question (1) is yes, how serious would the harm be?*

As to the installation of a kitchen in and of itself it seems to me, given that there has already been a kitchen at the church for some time then the installation of a better one cannot be regarded as constituting serious harm. Furthermore, none of the consulted bodies has objected to the proposed location for the kitchen at the west end of the north aisle taking up space used at present for storage. I conclude that the installation of a new kitchen in this location does not amount to serious harm.

The most striking feature of the kitchen proposal is the curved screening. The screening is intended not only to screen the kitchen but also to enhance and emphasise the Norman tub font in its present location. The location of a kitchen in that part of the church necessarily would require necessarily require a screen. It is the design which has attracted adverse comment from the Victorian Society, the SPAB and the CBC. It seems to me, however, that the white curved design proposed albeit bold would causes less harm to the historical and architectural significance of the building than screening which strives to replicate the dark wooden Victorian structures to try and appear as if it is an older feature than it is. I therefore conclude that the harm resulting is not serious harm particularly because the design is intended to highlight the font. I have relied in coming

to these conclusions upon the support of Historic England and the DAC for the proposal.

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

There is a strong justification for the church having a kitchen which enables refreshments to be served at events particularly given the broad spectrum of events which take place in this church. The principle of having a kitchen had already been decided. The church has outgrown the old kitchen and the need for an improved kitchen is made out. The location chosen is the only obvious one. I conclude that the justification is clear and convincing having regard for the Statement of Need.

5. *Bearing in mind that there is a strong presumption against proposals which will adversely affect the special character of a listing building will any resulting public benefit (including matters such as liturgical freedom, pastoral mission, opportunities for mission, and putting the church to viable uses that are consistent with its role as a place of worship and mission) outweigh the harm?*

In answering question (5) the more serious the harm, the greater will be the level of benefit needed before the proposals should be permitted. This will be particularly the case if the harm is to a building which is listed Grade 1 or 2 where serious harm should only exceptionally be allowed.*

I am satisfied that the balancing exercise required of me results in a conclusion that the proposals should be allowed. I have concluded that the harm of this part of the proposals is not serious. The need for a kitchen has long since been decided. If there is to be kitchen it makes little sense for it to be an inadequate kitchen in a poor location which is now required, in any event, for a second toilet. The west end of the north aisle is thought by everyone to be the least obtrusive and most appropriate location. Equally the kitchen in that location will need to be screened. I am satisfied that the white curved screening albeit bold is less likely to harm the historical and architectural significance than screening intended to replicate an older appearance. This is both because the white screening would not replicate something older but is starkly simple and because its design is likely, as is intended, to enhance the significance of the Norman font. Finally, I am influenced by my view that, if I am in error in my conclusions about the kitchen screening, then the proposals are reversible and it will be relatively straight forward for the white curved screening to be replaced.

4. Re fit-out of existing vestry including replacement of the north aisle eastern screen.

The Duffield Questions

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

I am satisfied that the re fit of the vestry to include new screening incorporating the preserved chancel carvings would enhance and not

harm the building as a building of special architectural or historic interest.

2. *If the answer to question (1) is not, 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.*

The proposals for the vestry are part of the whole and should be seen as such and as such they are justified. The proposed screening will enhance the significance as is explained elsewhere.

5. Levelling of the nave and north aisle floor to provide level access throughout the building.

The Duffield Questions

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

Despite the submissions of I am satisfied that the patchwork flooring over the present church is of limited historical significance and constitutes a potential danger to users. I am further satisfied that the installation of high quality timber flooring required by the DAC's proviso will enhance the historical and architectural significance of the building particularly around the font thanks to the provisos of the DAC.

4. *If the answer to question (1) is not, 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.*

This proposal is cogently justified. The timber flooring required by the proviso will enhance and not detract from the significance of the building

6. Works to improve the heating installation following the recommendations provided by the diocesan heating consultant.

The Duffield Questions

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

These proposals would not result in harm to the significance of the building

2. *If the answer to question (1) is not, 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.*

The need for the church heating system to be improved and maintained is well made out if in any event obvious.

7. Upgrading of the existing audio visual system as the attached specification.

8. The re-decoration of the church interior walls upon completion.

Neither of these works are likely to interfere with the significance of the building and are fully justified as a matter of common sense

9. Moving the pulpit

The Duffield Questions

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

I consider that the moving of the pulpit would not harm the significance of the church. The move is a short distance across an aisle into a location where the pulpit will be used unlike at present.

2. *If the answer to question (1) is not, 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.*

The need for this to happen is that the move is an intrinsic part of the reordering. It is well argued and justified.

6. **Miscellaneous matters**

One of the more unsatisfactory matters in the initial submission of this application was the fact that the incumbent understated the costs of the works at £237,000 in total whereas the real figure is more likely to be in excess of £379,000. This is a very large amount of money for the parish to raise and I consider it essential that the works are undertaken in stages and that no work is commenced unless the cost of that work is available to the parish at the start of the work.

I am impressed by the care which has gone into planning this work. I hope that the project starts soon and is completed appropriately. I look forward to visiting in the future.

HHJ Sarah L Singleton QC