

In the Consistory Court of the Diocese of Chichester

Petition No. 1417

In the matter of Hurstpierpoint College Chapel

Judgment

1. The chapel of Hurstpierpoint College is included in the list maintained by the Church Buildings Council under section 38 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 of extra-parochial places of worship which have elected to bring themselves within the faculty jurisdiction. The College has lodged a petition seeking a faculty for:
 - i. the permanent retention of seating platforms in the vicinity of the chancel;
 - ii. the upgrading of the lighting system;
 - iii. the removal of carpet from the majority of the chancel;
 - iv. the repair of heating grilles to the nave floor.
2. Certain elements of the proposal have caused concern to the Victorian Society, although it has elected not to file a Form 5 and thereby become a Party Opponent. I take the Society's observations into account in determining this petition, as I do the response of the College, and all the other material that has been lodged from whatever source.

Background

3. The chapel is a grade II listed building. It serves Hurstpierpoint College, one of three Woodard Schools in Sussex. It was constructed in the 1850s to a design of Richard Cromwell Carpenter. Its particular features are noted in the Listing Statement. Due to an increase in the number of pupils, the chapel currently has insufficient seating for the entire school to be gathered together (a worthy and laudable missional objective), is poorly lit, and in need of some improvement. Improved lighting and work to the heating grilles are likely to reduce the chapel's carbon footprint.

Consultation responses

4. The Victorian Society welcomes the improvements to the platforms and the removal of carpeting but maintain an objection to the proposed 'glazed handrails' which I take to be a reference to the transparent balustrades which will serve as a safety barrier to eliminate falls from the edge of the platform. They describe them as 'hugely jarring and aesthetically inappropriate'. They contend that timber or iron would be more appropriate, and point to cleaning difficulties with a glazed barrier.
5. The DAC issued a Notification of Advice on 2 March 2022 which recommended the proposals, subject to certain minor provisos in relation to which the College has given adequate assurances. As now required under r 4.9(9) of the Faculty Jurisdiction Rules 2015 (as amended) the Notification included the DAC's principal reasons for recommending the works despite the Victorian Society's objections. These reasons are cogently expressed and compelling in their content.
6. The Local Planning Authority declined an invitation to comment.

Determination

7. In determining whether or not a faculty should issue, I gratefully adopt the *Duffield* framework: *Re St Alkmund, Duffield* [2013] Fam 158. Undoubtedly there will be some harm to the significance of the Chapel as a building of special architectural or historic interest, but this will be relatively minor. The

seating platforms (including their glazed balustrades) will be entirely reversible, and the removal of the carpet, on the Victorian Society's own case, would constitute an enduring improvement. On any neutral valuation, the Victorian's Society's submissions on harm are overstated and not borne out by the evidence.

8. The College's justification is clear, cogent and convincing and is not the subject of any criticism from the Victorian Society. Indeed, I would wish to pay tribute to the College Chaplain, the Reverend Dr Janneke Blokland for the clear and professional manner in which the College's case has been advanced, and to Mr Mark Anderson, inspecting architect, for the thoroughness of the technical documentation filed in support of the petition.
9. I unhesitatingly conclude that the resultant benefits for the missional, worshipping and corporate life of the College will outweigh any harm by a considerable margin.
10. The Victorian Society have further argued with vigour and persistence, that there is a less intrusive or damaging way of achieving the College's objective, namely by using a timber or iron balustrade in preference to a glazed one. Dr Blokland has addressed this, drawing on the professional advice of the College's architect. She indicates that children as young as five are likely to gather on the raised platforms. There is a danger that they might fall between the gaps of a timber or iron balustrade, whereas one of solid glass keeps them secure and protected, whilst maximising the sight lines for themselves and others using the Chapel. I consider these health and safety considerations to be overwhelming and reject the alternative means argument.

Disposal

11. A faculty will therefore pass the seal, subject to the following conditions:
 - i. the works are to be completed within 18 months or such extended time as the Court may permit;
 - ii. the works are to be carried out under the direction of Mr Mark Anderson, inspecting architect;
 - iii. the works are not to commence until the court fees have been paid in full;
 - iv. no contract is to be placed for the carpet until its colour has been approved in writing by the Court.
12. The court fees of and occasioned by this petition are to be paid by the College as petitioner.