

Neutral Citation Number: [2024] ECC Liv 3

**IN THE CONSISTORY COURT**  
**of the DIOCESE OF LIVERPOOL**

**In the matter of St Mary's Knowsley**

**JUDGMENT**

**Introduction**

1. The parish church of St Mary's Knowsley on the outskirts of Liverpool, and just outside the estate of the Earl of Derby, (Knowsley Hall) is a grade II\* listed Victorian church building and is a significant focal point for the local community in the historic village of Knowsley. The petitioner, the team rector (more) seeks a substantial internal reordering of the church. He is supported by the DAC but some opposition has been expressed by the amenity societies, and by an individual parishioner with connections to the church.

2. Because of the potential controversy involved in major changes to such an historic building, the most significant of which includes pew removal, I took the opportunity to visit the church at the end of March and to inspect the internal fittings and layout, meeting with the minister, Reverend Hugh Lea-Wilson to discuss the proposals, and some of the objections which had been raised. There were no other persons in attendance at my visit. I gave further directions inviting any of those who had expressed concern to become party opponents if they so wished, or to advance further representations. In response to those directions, there has been no request for formal involvement, and all the parties are happy for me to make my decision on the basis of the papers without a hearing.

**Background**

3. The simple description of the works is as follows:

“Internal reordering including the removal of the existing pews, installation of a new dais and associated access improvements”

4. The full schedule of the works that are proposed is purportedly set out in the specification and drawings provided by the Finlayson partnership. Regrettably there is not a separate single

document that lists these, but from the numerous drawings, including plans and elevations, both existing and proposed it is possible to have a clear understanding of the changes that are to be implemented. Further, a very detailed and extensive statement of need and significance was provided on behalf of the church by the architect, initially in March 2022, but updated subsequently for the presentation of this petition. A fuller description of what is proposed is set out within the statement of need, and it can be summarised as follows:

1. The internal reordering of the Nave involving the removal of the existing fixed pews and regularisation / replacement of the raised plinths across the Nave floor;
2. Within the chancel, new timber ramp, installed to mitigate the existing Chancel step;
3. The new timber ramp to be fitted with a simple fixed timber handrail for use by the elderly and infirm (to access the chancel and the sanctuary);
4. Chancel dais alterations to create two new separate lower side dais platforms which afford the opportunity for use for presentations, displays and concerts; thus providing a level platform/dais with the chancel extending beyond (slightly) the line of the existing chancel as it adjoins the nave and a single level to the point where the chancel adjoins the sanctuary;
5. Removal of the two rear choir pews, retaining the front pews and book stands with the ornate frontages and moving these back;
6. Refurbishment of the kitchenette and disabled WC;
7. The installation of a new heating system intended to be energy efficient, with two new gas-fired condensing boilers, with pipework and trenches installed to suit the new floor construction; existing wall mounted radiators and convector heaters to be retained;
8. Relocation of the font;
9. The solid internal timber doors to be supplemented by external glass doors to allow the timber doors to remain open and prevent heat loss;
10. External work to include the improvement of access to the church and grounds through the northern lychgate/arch.

5. I shall deal with the question of pew disposal and re-use later in this judgment. The present intention is to replace the removed pews with Theo timber chairs, ergonomically designed and stackable.

6. The works as currently proposed, with the levelling of the chancel, will cover the stone bases of both the pulpit and the lectern (to the right and left of the chancel facing from the nave). These contain memorial inscriptions. Although there has not been any altered specification, I was informed by the minister, Reverend Lea-Wilson that a modification is proposed to enable these inscriptions to be set in an altered stone plinth or surround, which is set horizontally, and not vertically, and which can be viewed easily.

### **The need for the work**

7. Within the statement of need there was a fulsome explanation provided as to why such extensive reordering was necessary. There were significant access problems with the pews currently on raised plinths, a chancel which was accessible only for the able-bodied (thus making

participation in the communion impossible if the sanctuary was to be used for the more elderly and infirm congregation members). The pews themselves were considered uncomfortable and restrictive, with many of the congregation bringing their own cushions if participating in services. Further, and perhaps unusually, the pews do not have a central aisle. Instead, the main pews spanned the central section, whilst the pews in the north and south sides of the nave had aisles between them and the central section. This meant that the unconventional church layout was not appealing to those seeking a church for weddings (or even funerals). It was considered that this was exclusive for the wider community, and not inclusive of those who might otherwise not be regular church attenders. Further, and as is usually the case in such major reordering petitions, the missional and community aspects were diminished by the fact that few activities could take place because of spatial difficulties and the lack of an internal flexible area.

8. The creation of a new flexible space in the statement of need was described in these terms:

*“As mentioned throughout the statement, the new regularised nave layout with all new individual freestanding seats, allows for complete flexibility and use of the space to accommodate the use of the church for the full range and services – community groups, weddings, funerals, ‘in-the-round’, meetings etc. One of the overall key objectives of the church mission, the new layout will grant further inclusive use of the church for all people, of all ages from the creation of spaces such as the ‘tot’s chapel’, ‘creative corner’, and ‘community space’.”*

9. In relation to the access difficulties, the following point is made in the same statement:

*“Principally, access into and around the Church is a major issue. Split across multiple levels, with several steps located throughout the church, the proposal seeks to simplify access from the church gates into the main body of the Church and to significantly improve access internally facilitating manageable disabled access from the Porch door up to the Sanctuary.”*

## **Historic and Architectural significance**

10. Historical evidence suggests that there was a chapel on the site, or at least close by, as long ago as the 12<sup>th</sup> century, although nothing currently remains of any ancient building. In respect of the present church it is noteworthy that although early Victorian and built between 1843 and 1844 to an John Edmund Sharpe design at the behest of the then Earl of Derby, there have been a number of additions and accretions over the last almost 200 years. The transepts were added by Sharpe’s successor, Edward Paley, in 1860. The memorial chapel was created in 1871 to an Austin and Paley design. In 1892 a new vestry and East window were installed, again to an Austin and Paley design. The organ in the Derby chapel was installed in 1913 (currently not functioning) and there was minor reordering 40 years ago when the then Chancellor gave permission for the installation of a nave altar and meeting and service facilities in the base of the tower. On this occasion approximately one third of the pews were removed to “free up” internal space.

11. In respect of the pews, it is believed that the central nave was originally open and without any seating, and the more plain pew benches were acquired from the chapel of St John in Lathom which is thought to be 16<sup>th</sup> century. The provenance of the pews themselves is not clear, although it is to be noted that the side pews are more ornate with end panels containing carvings, whilst the rear benches on the north and south side have a rear pew fascia with more intricate carving. It is likely that all the pews are at least 150 years old.

12. In the official list entry on the Historic England website, the reason for the grade II \* listing is provided as follows:

“The church is a convincing essay in the Early-English style, with tower and spire of elegant proportions and correct details, and significant later additions including the richly detailed Derby chapel. \* The interior is well-detailed and impressive, of lofty proportions and with a vaulted tower base and wooden vault in the Derby Chapel. \* The church is very strongly linked to the Stanley family, the Earls of Derby, of Knowsley Hall and the Derby Chapel houses the memorial to Edward Stanley, a former Prime Minister. \* The interior contains many other fixtures of special interest, including early C20 wall mosaics, aisle seating of 1844, good-quality stained glass by Shrigley & Hunt and Powell & Sons, and items brought from Knowsley Hall, including a C17 seat and Elizabethan Royal Arms.”

13. The Pevsner entry states:

“The Church’s Entry in Pevsner (1969) KNOWSLEY ST MARY. A large church, the work of Sharpe, and then of Palsey. [sic] Sharpe did the nave and the w tower in 1843-4, Paley the transepts in 1860 and the Derby Chapel in 1871. Sharpe was archeologically correct here and exhibits great dignity, both in the tower with its broach spire and in the long arcades of quatrefoil piers with stylized foliage capitals. The stone vault in the tower is unexpected and impressive. Sharpe's church has lancet windows, Paley introduces bar tracery, especially in the Derby Chapel, - STALLS. From Knowsley Hall. Flamboyant decoration, i.e. early c16 and C18 oval scenes, probably Flemish. MONUMENT. Fourteenth Earl of Derby, 187Z by Matthew Noble. White, recumbent effigy”

14. Perhaps the most significant of the interior special features are the early 20<sup>th</sup> century wall mosaics in the sanctuary, and it is anticipated that if permission is granted allowing greater access and mobility within the church, and in particular passing from the nave to the chancel these mosaics, which depict biblical scenes, will be enjoyed by more. They are unaffected by any of the proposed changes, and indeed save for the pew removal, the fixtures and fittings, and the other features of architectural interest will remain untouched.

### **The Objections and the Petitioner’s responses**

15. I move now to consider the objections which have been raised, first of all by the amenity societies, who were notified initially before the application for early consultative purposes. It has

been Historic England and the Victorian Society who provided input. Dealing first with Historic England, comments were provided to the DAC Secretary, Mr Leggett in a detailed letter from Daniel Jones, inspector of historic buildings and areas, dated 4<sup>th</sup> January 2023, at a time when only the original statement of significance and need had been drafted on behalf of the church by the architect. It is unnecessary to refer to every aspect of this letter, some of which provides helpful and constructive advice in anticipation that its guidance will be taken on board. In fact, save for his comments in relation to the pews, Mr Davies considers the other elements of the proposal, namely the new dais, the ramped access, kitchenette and accessible WC to be logical and well considered proposals. In respect of the impact from pew removal, he makes the following comment:

“The wholesale removal of all existing pews has the potential have moderate impact on the buildings significance. Seating is often an element which comes under pressure when considering change, however, it is an important element of a churches architectural composition and can contribute greatly to their special character. The statement of significance and need do not set out the significance of the pews or consider the impact that the loss of the pews would have on the buildings overall significance. Very little analysis of the existing seating has been provided, with the most analytical section being a copy of the List Description. Any proposal for change must be based on a sound understanding of a buildings significance and how that is derived, the application does not convey this. It is noted that the nave seating is different to that of the aisles with the aisle seating being potentially older, however this has not been analysed.”

16. He then comments on the amount of information provided in the statement of significance and need and a seeming lack of consideration of alternatives to the removal of the bench pews:

“Generally, we do not support wholesale removal and replacement where retention and/or adaptation of the existing pews is possible. Unfortunately, the information submitted in support of this application does not consider any alternative options, there is for example, no discussion about retaining more of the pews but relocated to sit against the external walls, similar to that suggested for the “tots chapel”. Neither has consideration been made of other more innovative ideas such as mounting the pews on castors or rollers. This is a solution which has worked elsewhere and would enable the critical mass of seating and the overall appearance to be retained whilst dramatically improving the flexibility of the space”.

17. In terms of recommendations, he says the following:

We recommend that further work is needed in understanding the significance of the building and the contribution of the pews to that significance. We are not convinced that all alternative options have been explored and as such, justification for such an intervention is considered lacking. Careful thought must be paid to what is the least impactful on this nationally significant building and not simply what is the best use of the space

18. A similar position was taken by the Victorian Society, although Mr Hughes was possibly more critical of what he saw as an inadequate approach to the justification of the removal of the pews in a “hugely impressive and extremely important building”, perceiving that the faculty jurisdiction rules were not satisfied when he was consulted prior to the lodgement of the petition in December 2021. In particular he singles out the aisle benches which have been described in

listings as containing “*armrests, tops decorated with foliage, and quatrefoils with relief foliage*”. In this respect he is clearly referring to the pews in the north and south aisles. He concludes his comments with the following:

“I am sorry if this email strikes a rather sombre tone. But this is an extremely important church, with a fine interior that is to some extent defined by the quality of its fixtures and fittings. What is proposed is poorly presented and cannot really be considered to satisfy the Faculty Jurisdiction Rules. What little is conveyed by the documents is sufficient to indicate that the scheme would likely cause a high level of harm to the significance of the building, ejecting as it would a large number of historic furnishings and seriously eroding its character and appearance. The loss of the aisle pews, the treatment of the floor and the loss of the choir stalls (and potentially children’s benches) are of greatest concern, but we will need a far more detailed set of documents before we can offer comprehensive comments.”

19. He provided an updated response at the beginning of 2023 and seemingly before there had been any alteration to the material provided by the petitioner in support of the faculty application, in the form of an updated statement of need and significance. In particular, Mr Hughes had been supplied with a number of photographs of the internal space. He was even more robust in his expressed concern and criticism. He made particular comment about the proposed floor coverings:

“Putting to one side the losses this scheme proposes, we also wish to raise serious concern at the proposed raised floor, the extensive carpeting, the daises, and the new seating (no details of the latter of which have been provided). The wall to wall carpeting of historic church interiors is generally acknowledged as being inappropriate, and the Church of England’s own guidance advises against it. The carpeting of the main body of the church here would be extremely harmful, a harm that would be hugely compounded by the jarring combination of colours envisaged. The raised floor would address the level change presented by the pew platforms (though this could be addressed by lowering the platform to the level of the surrounding floor), but would conceal entirely from view the interesting incised tiles that the list description specifically draws attention to. The combination of near wholesale bench removal, installation of raised floor, incongruous choice of carpeting, and jarring form of multiple daises, would profoundly undermine the character and appearance of the interior and cause serious harm to its significance (and that is a harm that could be further compounded, depending on the choice of new seating).”

20. Thus both the amenity societies were critical about the amount of information which had been provided by the petitioner, essentially the professional advisers, who were drawing up the scheme, and providing the statement of needs and significance.

21. The Church Building Council (CBC) was also consulted. As is usually the case with the CBC approach to major reordering, the response came more by way of constructive advice and expressed concern in relation to alternative seating and carpeting and the need for further information. In fact, the author of the response had an opportunity to visit the church and to discuss the proposals with the architect and representatives of the church body. It was provided to the diocesan secretary in March of last year. Canon Daffern in his letter distinguished the aisle pews and the central pews.

22. Having received the CBC advice, Mr Finlayson on behalf of the architects provided his response, accompanied by updated statement of need and significance. This addressed a number of issues. First, in respect of the engravings around the pulpit and the lectern, he indicated that these would be reflected in the new stone inscriptions placed level with the floor in identical terms. Second, he confirmed that three of the existing aisle pews would be retained, and reused in an area at the rear of the church. Third, the choir stalls would not be removed in their entirety, but only the rear less decorative benches removed, with the frontages from the front stalls to be reused, widening the space in the sanctuary. Fourth, he dealt with the heating report and advice that had been obtained from the heating engineers, which had been prepared with due regard to the Church of England net zero carbon targets. Whilst specific responses to the amenity societies were not provided on a line by line basis, a supplementary statement of need and significance also sought to provide more information. This was dated 17 January 2024.

23. The most obvious addition is that there is now included significantly more information in respect of the pews and the need for removal. In particular, it is pointed out that there will not be wholesale removal of the aisle pews, which are considered to be a more historically and aesthetically interesting, but at least three will be reused as indicated above, and that the intricately designed end panels from the rear pews would be incorporated into new fittings which will be aligned with the centre lines of the pillars and adapted to provide cupboards for storage. This is demonstrated in the photographs which were supplied.

24. Finally, there were comments provided by a parishioner who has had extensive involvement with the church and has family connections over generations. These comments, whilst not amounting to vociferous objection or formal opposition, should be taken seriously, and they are clearly informed and intended to be balanced. It is pleasing to note that church members and the architect have sought to keep Mrs Elizabeth Score fully informed. She raised concerns in respect of the pew removal, and how chairs would be managed in their place, the carpeting, cleaning, the handrail to be provided for access to the chancel, and differentials in the floor levels.

**Mrs Score:**

I will not deny that I would prefer the church to be left as it is; everyone who visits proclaims how beautiful it is. I am trying hard to find a middle ground. The plans are so modern and radical. Do they have to be? Yes, we want a functional accessible building but we will have to live with those changes for a very long time...with no possibility of reversal. I am deeply concerned that we get it right.

25. As well as addressing the CBC concerns, in January of this year the petitioner provided a detailed response to the issues that had been raised by the amenity societies, Historic England and the Victorian Society, as well as Mrs Score. This repeated the additional justification contained in the CBC response, and therefore I do not intend to provide any further elaboration, save in respect of the significant issue which had been raised by Mr Hughes in respect of carpeting. In explaining how the new floor was to be laid out, the following explanation was provided:

“Whilst the reclaimed timber floor boards would be sanded and restrained, it is not intended that this would be to a highly-polished finish which we agree may be slippery (like a dance floor). Furthermore, the colour palette and tone of the carpet and wood (the contrast between the two) will be specified to ensure these are easily readable and navigable. It is acknowledged that colour and contrast are extremely important when designing for the less able-bodied, especially those with vision impairment or dementia. These details will be picked up in the next phase of detailed design. It is recognised that the CBC do not tend support the extensive carpeting of church floors. The proposed ‘hybrid’ approach retains the timber floor within the Nave whilst using carpet in a number of surrounding areas to provide visual contrast. This will help to create distinct ‘zones’ around the church which will feel more intimate and welcoming, rather than just appearing as the rear end of the church as at present. Furthermore, the use of carpet in areas will also help acoustics within the main body of the church and help ‘soften’ the reverberation of sound. The retained upholstered chairs in the hospitality area would likewise also aid this acoustic.”

26. In respect of the replacement all timber chairs to be used and how their movement would be managed:

“The chairs are lightweight (4kg) and easily moveable/stackable, but for the majority of the time the chairs will remain in one format and so will not require regular rearrangement. There will, however, be certain occasions such as weddings, special services (eg Maundy Thursday) and one-off events when the arrangement will need to be amended. Volunteers will be asked from the able-bodied who can help, often at the end of preceding services etc, and as the church grows, we aim that there will be many more to help on such occasions. Outside groups using the church and wanting to rearrange will be required to amend seating themselves and rearrange accordingly.”

27. Following my visit in March, I directed that this additional material should be supplied to both Historic England and the Victorian Society, and any further comments invited. This was done, but there has been no further response from either organisation. This should not imply any criticism of the amenity societies, but it is usually the case that they are content to stand by the comments which have been made on the basis of their original and detailed analyses.

### **Legal approach**

28. It is necessary for me to consider whether the proposed works, and in particular the removal of the nave pews will affect the character of this church, as a listed building, in terms of its architectural or historic interest. Whilst those who petition for such changes within historic church buildings will want to ensure that a tradition of adaptation and renovation over the centuries is continued as part of their stewardship to allow for the most beneficial community use and to serve the congregation and the wider community in a missional context, the consistory court must undertake a balancing exercise between heritage preservation and the need or benefit which has been demonstrated.

29. Guidance has been provided for the approach to be taken by the Court of Arches in **Re St Alkmund, Duffield [2013] Fam 158**, which approach is now universally followed.

- (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 “no”, 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 (see **Peek v Trower [1881] 7PD 21 26-8**, and the review of the case law by Chancellor Bussell QC in **In re St Mary’s White Waltham (no2) [2010] PTSR 1689** at para 11). Questions 3, 4 and 5 below do not then arise.*
- (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 listed building, will any resulting public benefit (including matters such as liturgical freedom, pastoral well-being, 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 particularly be the case if the harm is to a building which is listed grade I or II\*, where serious harm should only exceptionally be allowed.*

30. Whilst each item of reordering should be considered separately, and in many instances there will be minor works which are of no significance and entirely non-controversial, it is also important to consider the overall effect of the proposed changes. In other words an holistic approach should be taken.

### **Determination**

31. In adopting the guidance set out in the framework above, I have come to the conclusion that the proposed works represent a moderate degree of harm to this Victorian church. In this respect I exclude the reordering that is proposed in relation to the disabled WC and the kitchen servery area which is relatively minor, and in a part of the church where there already exists catering and toilet facilities, and in circumstances where the intention is to modernise them and make them more accessible. I also regard the creation of a new heating system as work which will have negligible impact. The intention is to replace the boilers, but to use the existing pipework, or at least the routes for the pipework which is substantially under the raised floor, whilst retaining the existing means for space heating. I am satisfied that sufficient consideration has been given to the carbon impact and that a heating system which is ecologically efficient has been identified.

32. Undoubtedly, by far the most significant element and which represents the greatest harm to the internal historic aspect and heritage is the pew removal. The pews have provided congregation seating for most of the life of this church, and even if when initially constructed the nave was empty, I am satisfied that it was always the intention that this should be the means of congregational seating, and pews were provided that reflected the internal grandeur and spiritual majesty of the church. There is always a tendency for pews to become an emotive subject, because over the years, and even over a lifetime of church attendance, individuals become attached to them, and regard the pews as integral to the layout. It is often difficult to imagine a church without bench seating for many parishioners, especially those of the older generation. It is also to be noted that like many Victorian churches, whilst some pews are plain and simple, perhaps made out of pitch

pine that has been stained, some are far more elaborate with carvings or inscriptions. For St Mary's, that is true of the North and South aisle pews, which have ornate carvings on the pew ends.

33. However, in my judgment, whilst this proposal is the predominant reason why the level of harm is at least moderate (with categorisation normally being negligible, modest, moderate and serious) the petitioners have here created a compelling case for internal reordering which precludes pews in the nave space. Whilst much of the criticism from the amenity societies appears to relate to an apparent failure on the part of the petitioner to consider reasonable alternatives that might preserve the majority of the pews, and meet the object of the reordering in a less harmful way, it seems to me that there is a recognition by them of the limitations of use which are represented by the present layout of the church. Further, I am satisfied in the light of the most up-to-date material that contrary to the implication raised by the amenity societies, there has been sufficient consideration given to the heritage aspect with which the pews are associated.

34. The suggestion from Historic England that some or most of the pews could be retained and put on casters or rollers to be moved out of the way when the open space was required is not a practical one, and it seems to me it ignores two obvious difficulties. The first is that the pews are currently placed onto raised plinths over a floor which clearly requires refurbishment, and which is included in the detailed plans. The second is that an elderly congregation which would include some who are more frail or disabled, is not an ideal body to be involved in heavy furniture removal every time the internal space requires a change of use.

35. In respect of the benefit from the proposal, and carrying out the balancing exercise required under **Duffield**, I am satisfied that the petitioner has provided compelling justification for the removal of the nave pews. This is comprised in the very substantial benefit which will be gained from having a flexible worship space and the opportunity for community use of the church which may become an important source of revenue in years to come. Further, it seems to me that sensitive consideration has been given to the heritage aspect of the more important bench pews, and in particular the rear panels of the north and south side aisle pews. The proposal is that these should be utilised in the new structure, and although space will not permit a larger proportion of the side pews being put into alternative use, it has been indicated that three of these pews will become a new seating area at the rear of the church. I understand that the pew ends, that is the more intricate panels in the side pews will be retained and a convenient position will be found for their display, or at least access for those who wished to understand the heritage.

36. Further, the choice of alternative seating (of which the Victorian Society may have been unaware from Mr Hughes' more recent communication) is the Theo chair which is an all timber chair, and not as one sometimes sees an upholstered chair with chrome legs. It will comply with the guidance provided by the CBC in respect of replacement seating. With respect to Mrs Score, I do not believe that there will be excessive difficulty in setting out and removing these chairs; it is also to be expected that any organisation using the church space will supply the necessary muscle before and after events.

37. In the circumstances, notwithstanding the moderate harm caused by the removal of the pews, in my judgment there is substantial benefit from the proposal which outweighs that harm,

and subject to the conditions which I propose at the end of this judgment, the faculty can be granted for such a purpose.

38. The less controversial aspects nevertheless generate a degree of harm. First, in relation to the choir pews, they have probably been in place for over 150 years. The chancel is an important focus for worship, at least for those more traditionally minded. I consider that the harm, however, is modest, in the light of the proposal that the more ornate and historically interesting pew frontages should be retained in a single bench on either side of the chancel with the rear pew only being removed. This creates the obvious advantage of having a wider chancel and access to the sanctuary and the altar, in the event that there is a sacramental focus after the alterations.

39. In relation to the chancel, the dais, and the alterations which will create a more modern and partially rounded platform on which those leading worship, or introducing any other event with a large congregation/audience would stand, again I regard the harm here as only modest. The chancel is currently accessible only to the able-bodied and a single level chancel leading to the sanctuary, with access from a ramp, or alternatively with the use of a handrail up two steps from the nave level is an entirely sensible proposal, which carries with it significant benefit outweighing any minor harm. Further, the plan to create horizontal stone memorials around the pulpit and the lectern addresses any concern that the existing memorials will be lost or forgotten. It is intended that they will be replicated exactly.

40. Comments have been made about the carpeting that is proposed. In my judgment this does not represent any harm to the internal floor layout. Whilst there are some interesting, and probably Victorian floor tiles, they do not currently cover the entire floor, are broken, and in any event likely to be disturbed by the removal of the pew platforms. Anything that is historic and which is overlaid by a carpet will have a visual impact only, and no damage will be caused by such a process. I am mindful of the CBC guidance, but it seems to me that that is more applicable to those churches which have historic stone floors perhaps with engravings and memorials which should be kept exposed for posterity.

41. The proposed external glass door is not opposed, and whilst this may represent some minor harm to the visual aspect, the very substantial benefit of having an opportunity to open the internal timber doors inviting and welcoming access to the church clearly outweighs that harm.

42. Finally the external work to the step under the arch to the north-western end of the churchyard is obviously essential, and does not impact in any respect on the heritage aspect.

43. In these circumstances, I am prepared to grant the faculty that is sought for the full extent of the proposed works. However, because of the sensitivity of this project, and the harm which I have identified, I intend to impose some conditions, in addition to the requirement that the works be completed within a period of 12 months from the date of the faculty grant. They are as follows:

1. The petitioner will retain no less than three of the side aisle pews, complete with the carved end panels for use within the nave as casual seating, in a position of their own choosing;
2. the more intricate and carved rear panels on both north and south side pews shall be retained and integrated into the new furniture / fittings that are proposed;
3. a detailed photographic record will be compiled of the existing pew layout, and a selection of suitable photographs will be displayed at the rear of the church in a suitable location depicting the nave prior to any reordering, with an explanation of the history and provenance of the pews; this will be displayed for no less than five years, and thereafter retained in the church archives;
4. the petitioner will sensitively dispose of the remaining pews and keep a full record of the destination of every pew, such a record to be supplied to the DAC within 12 months;
5. the replacement stacking chair will be the stackable and non-upholstered timber Theo chair, or such other chair as shall be approved by the DAC.
6. The petitioner shall provide evidence to the DAC that funds are in place and/or available which will cover the entire cost of the reordering prior to the commencement of any works.

44. I waive any fee associated with the church visit and the preparation of this judgment.

HHJ Graham Wood KC,

Chancellor of the Diocese of Liverpool

16<sup>th</sup> July 2024