

IN THE CONSISTORY COURT FOR THE DIOCESE OF PORTSMOUTH

In re St Mary, Liss

JUDGMENT

(as amended and approved on 14th January 2020)

Introduction

1. The Rector, Churchwarden and Facilities Group Chair of the church of St Mary, Liss seek permission, on behalf of the parish, to proceed with a scheme for the re-ordering of the chancel area, to create a more open space which will enable the focus of worship to be brought closer to the nave and which will, among other advantages, be more accessible for those with mobility difficulties. The statement of needs filed in support of the petition sets out a clear and strong case for the proposed re-ordering.
2. The specific works proposed are to:
 - Remove all choir pews from the chancel area.
 - Remove clergy stalls from chancel area.
 - Level any freshly exposed areas of floor and make good sufficiently for new floor surface as below.
 - Create a small extension to the chancel floor area into the nave space – this will include removeable communion rails to provide space for those that seek a kneeling posture to receive Holy Communion.
 - Create a continuous floor covering from the extension piece back through the chancel to the first step up to the sanctuary – this will cover the existing mosaic floor and unfinished areas currently covered by the choir pews and the clergy stalls.
 - Remove the pulpit.
 - Remove the iron railings and alabaster wall that demark the chancel and nave spaces (the railings are to be relocated within the building).
 - Provide new, high quality chancel furniture to enhance the visual quality of the new space.
3. The principal issue of contention relates to the proposal to remove the pulpit and the iron railings and alabaster-faced walls which currently form an integral part of the entrance to the chancel.

The church building

4. The church dates from 1892 and was designed by Sir Arthur Blomfield (1829-1899). It is listed Grade II. The pulpit, walls and railings are among the few remaining original features of Blomfield's design. The front stalls and the first row of pews in the chancel are also part of the original scheme. Alterations and additions to the church have been made in the last century, but have not affected these features. Fuller details of these aspects are given in the Statement of Significance and are reflected in the response from the Victorian Society, considered below.
5. Over the past seven years or more the parish has identified and refined plans for development as part of its 'Go for Growth' programme to meet its changing needs as a place of worship, mission and ministry and as a resource for community use. The plans have included more extensive re-ordering of the interior and the provision of a separate church

hall, but after careful consideration these plans have been discounted on the grounds of complexity and cost. The current proposal is for a more limited re-ordering, with the principal object of providing more open and flexible spaces within the church building.

6. The building is recognised as an important asset to the community already and the proposed improvements seek to enhance this, while supporting current areas of ministry.

The needs identified by the parish

7. In the Statement of Need the parish has highlighted the following elements supporting the proposed re-ordering of the chancel area:
 - The need to change the church environment so that it is all used, rather than having parts that are in essence “dead” space;
 - The need for places within the church building to hold smaller service (up to 50 people) in a space intended for that purpose (the plans envisage the chancel being used for this purpose);
 - The need to enhance the functionality of the building for large church and community events, to better serve those that already take place and allow their expansion, and to create new opportunities in line with Go for Growth agenda;
 - The need to provide single level access to Holy Communion for all people with accessibility needs.
 - The need for additional spaces to expand our children’s ministry.
8. The parish considers that the proposed changes to the chancel will fully meet the needs highlighted. In particular:
 - (i) the open space created in the chancel would be ideal for smaller services and would give visual and physical access to one of the most striking aesthetic features in the church building (the Martin Travers ensemble in the sanctuary). A mock-up of the chancel floor space was created in the nave of the church and a sample layout for a small service is shown on the photograph provided in the statement of need.
 - (ii) the proposal would provide the smaller worship space needed for more intimate, quieter and contemplative worship services with fewer people than can fill the nave and the reinvigoration of this space for worship would remove the sense of a large “dead” space between the high altar setting and the congregation in main services.
 - (iii) the small extension of the chancel into the nave would meet accessibility needs, giving single level access for Holy Communion directly from the nave. The provision of communion rails on either side of the dais is an important feature as this respects the spiritual needs of those who find kneeling an essential component of receiving Holy Communion. The extension has the added benefit of drawing the leading of worship closer to the worshippers while providing elevation that allows people to see what is going on, creating a greater sense of engagement and involvement with liturgy. The dimensions and practicability of the proposed new furniture are designed to ensure that it enhances the visual worship experience, both during sacramental worship and at other times.
 - (iv) the more open chancel area would enhance the capacity of the church to meet community needs, especially for hosting concerts and services for local musical societies and schools, as well as an annual Music Festival and other events.
9. It is clear that a great deal of thought has been given to these proposals and detailed plans and drawings have been prepared showing the impact of the intended arrangement of the

chancel. Alternative solutions which might enable retention of the Blomfield features have been carefully considered and a reasoned response has been provided to the suggested options.

The amenity societies

10. The Victorian Society, the Twentieth Century Society and the Church Buildings Council have been consulted on the proposals.
11. The Twentieth Century Society does not oppose the proposed works and does not wish to make any further comments.
12. The Victorian Society, which has a clear interest in the aspects of the proposals affecting the Blomfield design, has raised serious concerns about the proposed removal of the pulpit, walls and railings and has made alternative proposals which might enable these features and the original stalls and pews to be retained.
13. The society considers that the removal of the pulpit would erode the interest of the chancel as a whole by divesting it of a principal fitting with which it has a strong visual and aesthetic relationship, and would simply take up potentially useful space elsewhere in the building. It submits that the alabaster-faced walls and decorative railings are probably the single most important element of the entire chancel ensemble. They are considered to be of significant aesthetic interest and to define, articulate and enclose the chancel space, creating a sense of aesthetic and structural unity, visual coherence and architectural integrity. The society considers it out of the question that the walls and railings could be removed entirely.
14. The society suggests that the aims of the parish's scheme could be achieved without removal of these features. The proposed dais, it contends, could be extended further into the nave, allowing for the pulpit to be retained, without restricting movement at the north end of the dais. The walls, it suggests, would not impede the creation of a more open space in the chancel or access to the chancel area.
15. In relation to the front stalls and the row of original pews, the society notes that the parish had been willing to consider retaining those features, but moving them back, in place of the newer choir pews, thus allowing more space in the chancel area.
16. The society considers that the removal of the later and somewhat incongruous choir stalls from the rear of both banks of benches on a trial basis would free up a relatively large amount of space and, if desired, the frontal and the foremost of the benches could be moved backwards when a larger central space within the chancel is required. These relatively minor adaptations, it suggests, would bestow upon the chancel a high level of flexibility, yet allow it to retain its integrity.
17. The Church Buildings Council has expressed similar concerns about the impact of the re-ordering. Its letter of 6 December 2018 refers to aspects of the re-ordering which are no longer part of the scheme (the altar, riddel posts and triptych reredos), but raises important points in relation to the proposed removal of the pulpit and the chancel wall. The council considers that the significance of the chancel ensemble has been understated by the parish and that the removal of these features would cause harm to the significance of the building.

It recommends a robust assessment of the need for the proposed changes and proposes a number of questions about the use of the current and proposed spaces. The Council suggests that alternative plans should be considered, including the possibility of an extended dais enabling retention of the pulpit.

18. The parish has reflected on the advice of the Council and has since set out in more detail the need for the more open flexible space in the chancel and the difficulties which would be caused by the retention of the pulpit and a westwards extension of the dais further into the nave.

Diocesan Advisory Committee

19. In its notification of advice the DAC recommended approval of the plans presented by the parish, subject to the creation of a full photographic record of the existing chancel area and re-consideration of the proposed new liturgical furniture for the chancel.
20. The committee was invited to review its advice in the light of the response of the Victorian Society and remains minded to recommend the scheme, including the removal of the pulpit, to achieve the missional needs of the parish.

The principles

21. Where, as here, the work proposed affects the fabric of the church, in this case the interior, the court is required to undertake a balance between any harm which would result to the significance of the building and the public benefits which would accrue from carrying out the work.
22. The framework for carrying out this balance was set out by the Court of Arches in *Re St Alkmund, Duffield* [2013] Fam 158. In summary, the court should ask the following questions:
 - (i) Would the proposals if implemented result in harm to the significance of the church as a building of special architectural or historic interest;
 - (ii) If the answer to (i) is 'No', the ordinary presumption "in favour of things as they stand" applies, but the presumption may be rebutted more or less readily, depending on the particular nature of the proposals;
 - (iii) If the answer to (i) is 'Yes', how serious would the harm be;
 - (iv) How clear and convincing is the justification for carrying out the proposals;
 - (v) Bearing in mind that there is a strong presumption against proposals which will adversely affect the character of a listed building, will any resulting public benefit (including liturgical freedom, pastoral well-being and opportunities for mission) outweigh the harm. The more serious the harm, the greater the level of benefit required to justify granting permission; that is particularly so in relation to proposals which would result in harm to a Grade I or II* building, where serious harm should only exceptionally be permitted.
23. This process involves an assessment of the architectural or historic interest of the areas or features affected by the proposals, the degree of any harm resulting from the proposed works, the resulting impact on the significance of the church as a whole and consideration of the justification for the proposed works and the benefits they would bring, if implemented.

As part of this process it is necessary to examine alternative arrangements which might mitigate any harm while enabling the parish to achieve the intended aims

Discussion

24. I have carefully considered the arguments presented by the parish and the powerful comments of the Victorian Society and Church Buildings Council.
25. It is clear from the statement of significance and from the descriptions given by the Victorian Society that the remaining Blomfield features of the chancel area are of historical interest and lend the chancel an integrity of design. It is acknowledged that the chancel screen iron railings are in good condition, with the top rail having a gold painted castellated design which is repeated in the feet of the front choir stalls. The pulpit is also in good condition. The chancel screen wall has a brick core and is clad in pink English alabaster. The top capping is solid. The parish notes that the wall has suffered noticeable water damage and since the main church walls are now cream, the pink looks a little incongruous.
26. The parish contends that the removal of these features is necessary to enable the re-ordering to be effective and that alternative arrangements which might allow them to be preserved would seriously hinder the design and use of the front part of the chancel.
27. The Victorian Society recognises the force of the parish's case for change, but considers that the removal of the pulpit and of the walls and railings would have a significant impact on the aesthetic interest of the chancel as a whole and that the principal aims of the re-ordering scheme could be achieved without their removal. The Church Buildings Council similarly proposes that the needs of the parish could be met in alternative ways, without the removal of these features.
28. The parish has provided images and submissions demonstrating the impact of retaining the pulpit and the walls and railings and has demonstrated to my satisfaction that the alternatives suggested by the Victorian Society and Church Buildings Council would adversely affect the appearance and aims of the proposed re-ordering. The extension of the dais to accommodate the pulpit would encroach significantly on the nave space and is otherwise unnecessary to achieve the parish's aims. Isolated within the newly extended dais, the pulpit is likely to appear out-of-place. The society suggest that the retention of the screen walls would not impede the use of the new chancel space, but in my judgment, having considered the drawings and details proved by the parish, they would detract from the appearance of the newly-opened chancel space and would inhibit both the visual impact and the use of the new space for worship and ministry.
29. The submissions of the Victorian Society and Church Buildings Council as to the significance of the Blomfield features must clearly carry weight. I accept that the pulpit, screen walls and railings are of historical interest and that their removal will cause some harm to the significance of the church as it is presently arranged. The fact that these are among the few remaining elements of the original design may lend support to their retention. On the other hand, there have been other alterations and additions which have changed the appearance of the interior, so that the chancel area, while of aesthetic interest does not blend readily with the main part of the church. The importance of the Blomfield features themselves to the significance of the church as a whole is, in my judgment, limited.

30. In addition, the retention of these features needs to be viewed in the light of the proposals for the creation of a more open space. The case for change has been made clearly and robustly by the parish and the strength of that case is recognised by the Victorian Society. It is necessary therefore to consider the impact of retention on the appearance of the church as a whole. If the suggestions made by the Victorian Society and Church Buildings Council are followed, the pulpit would remain, with a more extensive dais projecting into the nave. The screen walls would remain, impeding the view and use of the more open space in the chancel. Not only would this not meet the accepted needs of the parish, but would give the chancel area a rather restricted and incongruous feel which would be inconsistent with the open aspect for which the parish strives.
31. The conclusion which I have reached is that the removal of the features concerned would cause moderate harm to the significance of the building as a place of historical interest, but that that harm is outweighed by the clear public benefits of providing a more open, unimpeded and flexible space to meet the worship, mission and community needs identified by the parish. The proposed alternatives, including a trial period in which the main features are retained, would in my judgment represent an unsatisfactory compromise which would inhibit the parish's ability to meet its needs.
32. I bear in mind the strong presumption against proposals which would adversely affect the character of a listed building, but in my judgment, while the removal of the pulpit, walls, railings and stalls/pews would cause harm to the historical interest of the interior, the proposed changes are likely to enhance the character, appearance and amenity of the church as a whole, outweighing any adverse impact resulting from their removal.
33. The Victorian Society and the DAC have considered the possibility of relocating the pulpit and the screen walls elsewhere in the church building, but do not consider that to be an effective or practicable solution. I concur with that view. However, the parish do intend to relocate the iron railings from the screen walls to decorate their new 'Upper Room'. I consider that to be an entirely fitting use of the railings and it will mean that at least some part of the original design work will remain visible within the building.

Conclusion and directions

34. I have therefore concluded that the re-ordering scheme developed by the parish should be approved. As recommended by the DAC, there should be a full photographic record of the current chancel arrangement and the design of new liturgical furnishings for the chancel will require careful consideration, so as to enhance the appearance both of the chancel space and of the interior of the church as a whole. In view of the importance of the new chancel space, I would wish the final design of the furniture to be submitted to me for approval.
35. Accordingly I direct that a faculty should issue to permit the re-ordering of the chancel area to proceed as proposed by the parish, subject to the following conditions:
- (1) That a full photographic record is made of the chancel area, including general views and details of all key mouldings and decoration to the walls and furniture, with detailed photographs of the arrangement of the pulpit, the railings and the alabaster-faced walls. Two hard copies of the record are to be supplied to the DAC secretary; and
 - (2) That the design of chancel liturgical furniture is reconsidered and revised designs submitted to the DAC for further consultation. The final design should be submitted to the Chancellor for approval.

Rider: events following my original decision

36. Following the grant of the faculty and delivery of this judgment in draft, the Diocesan Registrar received further correspondence from the Victorian Society. In its letter of 25th October 2019, the Society expressed concern that it had not had an opportunity to participate formally in the process and that the submissions presented by the CBC had not been separately considered. In a letter dated 7th November 2019, I indicated that if the Society wished to have an opportunity to make further representations, I would consider what steps should be taken to enable them to do so. I directed that the faculty be suspended while any issues were resolved.
37. In the event, the Society decided not to pursue matters further, but in its message of 26th November 2019, it reaffirmed in strong terms its opposition to the removal of the pulpit and chancel wall, stressing again the significance of those features.
38. In reaching my original decision to grant the faculty in the terms proposed I took account of all the documents and other material filed in relation to the application. This included the correspondence with the Victorian Society, in particular the Society's letter of 9th May 2018, the letter from the parish of 21st June 2018 (which followed a site visit on 19th June) and the Society's response of 28th June 2018. I understood that this correspondence reflected the position of the Society in relation to the proposals and there was nothing to indicate that further representations were to be made.
39. In relation to the CBC, the matters raised in the letter of 6th December 2018 reflect closely the comments made by the Victorian Society, although it seems that the CBC may not have seen the subsequent correspondence between the parish and the Society.
40. In the light of the further correspondence, I reconsidered my original decision, but reached the conclusion that it should be affirmed. The suspension of the faculty has therefore been lifted to allow work to proceed. I recognise the significant concerns raised by the Victorian Society and the CBC, but for the reasons set out above, I remain of the view that the needs identified by the parish can only properly be met by the proposed re-ordering and that the harm caused by the removal of the pulpit and chancel wall and railings is outweighed by the benefits for the mission and ministry of the parish.
41. I regret that the Victorian Society considers that it has not had a full opportunity to present its arguments in opposition. However, the position of the Society and of the CBC has been set out clearly and in detail in their written responses and I have taken full account of the submissions which they have made. I will ensure that in future steps are taken to avoid any misunderstanding about the position of any relevant amenity society or others who may have an interest in faculty proceedings.

Philip Waller

Chancellor

14th January 2020