

IN THE CONSISTORY COURT FOR THE DIOCESE OF PORTSMOUTH

Southsea St Margaret

JUDGMENT

Introduction

1. By a petition brought by the Reverend Canon Michael Duff on behalf of the PCC of the church of St Margaret of Scotland, Southsea, permission is sought for (i) the removal and disposal of a significant number of artefacts from the church; and (ii) the temporary screening of side chapels to facilitate proposed new uses.
2. The church has been near to closure as a result of the deterioration of the church building, but a new congregation has now been established and the present application is made in the context of plans to revive and restore the church for active worship, mission and outreach. . There is currently no incumbent and there are no PCC officers or members. The Revd Canon Michael Duff has been authorised by the Bishop to act on behalf of the PCC

The church building

3. The church is of twentieth century construction, with oldest parts dating from 1905. It is not listed. The original design was by J.T. Lee, but his scheme for the church was never completed and the building has undergone a number of changes during its lifetime including the completion of the west end in the mid-twentieth century. Externally the building is not thought to be of special interest, but the interior does have features of particular interest and is described as having an 'Arts & Crafts' feel.
4. The entry for the church in the revised edition of the Buildings of England refers to it as having "*character, quirky, but successfully so, in a more or less Bristolian Perpendicular style*". The overall design of the chancel receives particular mention as do the Arts and Crafts style lectern and the communion/altar rails. Both the Victorian Society and the Twentieth Century Society have drawn attention in their consultation responses to these and other significant features of the interior.

Recent history

5. Sadly, in recent years the condition and use of the church has declined. The incumbent resigned in 2015; the building was temporarily closed for

health and safety reasons and the congregation dispersed to other churches. Consideration was given to seeking permanent closure and in 2016 all PCC members and officers resigned.

6. By 2018 the condition of the church building was such that it could not be used for worship, mission or ministry and it remained temporarily closed. However, a new outreach congregation was established in 2017, using the refurbished church hall for worship and community use. Since then, the congregation has grown and the hall is no longer adequate to meet its worship and community outreach needs. The leadership team have worked hard to revive the church building and work has been undertaken under previous faculties to make it once again safe and available for congregational use.
7. However, the congregational and community needs are such that changes to the interior of the church building are required if it is to provide the space and amenities needed for effective worship, ministry and outreach for the new church community. This has required some imaginative thinking about the use of the interior spaces, including proposals to create a space for children's ministry in the South side chapel and an area in the North side chapel for a bicycle repair workshop, for which a temporary licence was granted by the Archdeacon in March 2019. It is also proposed that many of the contents of the church be removed and disposed of, allowing for more flexible use of the building and a more fitting environment for

Statement of need

8. The parish have set out in the Statement of Need the reasons for seeking removal of the majority of the contents and screening of the side chapels.
9. The statement makes clear that the hall is no longer adequate for the worship and community outreach of the new congregation and that it is necessary to re-open and redevelop the church building. However, as presently configured, the interior of the church is considered too inflexible to accommodate the needs of the congregation and community. The development plan for the church is designed to enable new use of the space for worship by a different, more informal style of congregation with a mission focus on community engagement. The church has faced the prospect of permanent closure and the changes proposed are intended to secure the physical future of the building, enabling a new, vibrant congregation to take responsibility for it.
10. Permission is sought for the following steps:
 1. Removal & disposal of pulpit & make good
 2. Removal & disposal of font & holy water stoop & make good
 3. Removal & disposal of walls around chancel & make good
 4. Removal of Tester above high altar & make good
 5. Removal & disposal of side-chapel statues & make good
 6. Disposal of high altar

7. Disposal of any altars, statues, sanctuary lamps, candle stands, lectern, altar rails, vestments etc not required by the new congregation.
11. An inventory has been provided setting out all the artefacts concerned. The majority are not considered to be necessary for or compatible with the worship and community needs of the new congregation. Although the details provided for some items are limited, it appears that many furnishings and fittings are not original or specifically commissioned for the church. There is nothing to suggest that the majority of contents are of particular value or significance.
12. In relation to the side chapels, as noted, a temporary licence has been granted for their use for community purposes. The parish considers that it is now clear that the chapels need to be enclosed for their new use and propose that screening be installed for this purpose. It is proposed to fit screens and doors in the archways of the chapels, in such a way that they can be removed without irreparable damage to the fabric of the church. In the south chapel there would be a screen and doorway in the arch facing the nave and the same in the north chapel, with a screen and doorway into the ambulatory on the north side. The parish have provided plans and photographs showing the proposed locations of the screens.
13. The parish considers that the benefits of the proposed changes will include the liturgical freedom and pastoral wellbeing of the new congregation, and their ability to offer ministry and pastoral care to the community. The scheme is understood to have enthusiastic support from the community, concerned that that the building should be remain in use, with a new congregation giving it life.

Principles

14. In considering whether permission should be given for the removal of goods or ornaments or other contents of a church building in the circumstances of the present application, the following factors are, in my judgment, of particular relevance:
 1. The connection with the church: was the item an original ornament or introduced subsequently?
 2. The source of the item: was it for example, a specific memorial donation?
 3. The historical or artistic significance of the item, both in relation to the church and generally.
 4. The value of the item.
 5. The reason for removal and disposal.
 6. The proposed means of disposal: loan, sale or gift?

Consultation

15. The church and its contents encompass late Victorian and Twentieth Century elements and the relevant amenity societies have therefore been consulted. Each raises concerns about aspects of the proposals.

The Victorian Society

16. The Victorian Society has expressed serious concern at the proposals and the impact on the character and appearance of the historic interior.
17. While accepting that the exterior of St Margaret's is not the most charismatic, it considers the interior – particularly the architectural treatment of the east end – to be interesting and spatially rather exciting. In relation to the historic fixtures and fittings the Society refers to the description in *Buildings of England*: “the lectern is the most distinguished item – beaten-copper with a four-sided book rest and tapered stem with symbols, all in an Arts & Crafts style turning Art Nouveau. The Communion [altar] rail is also enhanced by copper ornaments of the Evangelists' symbols”.
18. The Society considers that to remove items such as the lectern and altar rail, which were designed specifically for the building would cause harm to the church as a building of historic and architectural interest and would prevent public enjoyment of pieces of considerable artistic interest. It is not persuaded by the concern of the parish that retention would hinder the use of the building or cause confusion for those using the church in less conventional ways.
19. In relation to other contents of the church, the Society feels unable to comment without more detail about the items concerned and the impact of removal. It considers the information provided to be inadequate to form any assessment.
20. The Society expresses regret that the pulpit, which it describes as a striking and handsome memorial, should be considered for removal, but defers to the Twentieth Century Society on this aspect of the proposals.
21. As regards the proposed screening of the side chapels, the Society registers its concern about the effect on the spatial qualities of the east end. Again, it considers that inadequate information has been provided as to the plans for the work and on the use of or alternative options for the enclosed spaces. On the basis of the information available, the Society objects to this aspect of the proposals. It does not appear that the society has received the plans and photographs now available.

The Twentieth Century Society

22. The Twentieth Century Society, in its response, draws attention to the attractive chancel fittings, particularly the lectern, altar rails and parclose screens, but due to the earlier date of these features, the Society defers to the advice of the Victorian Society. The Society notes that the pulpit is clearly indicated to be a war memorial fitting by the brass plaque located adjacent to it on a nave pillar and considers that it is of considerable social and local interest as well as being aesthetically attractive. For this reason, the Society would wish to see the retention of the pulpit in the church. It also refers to the Christopher Webb glass in the church as being of significance as the work of a very important and respected Twentieth Century designer and, while recognising that the current proposal does not affect it, the Society wishes it to be noted that it is of greater interest than indicated in the Statement of Significance. The Society does not oppose the removal of the other items proposed.

Diocesan Advisory Committee

23. The DAC has recommended the proposed works for approval subject to the following conditions, namely that:

- 1) The installation of the screens is overseen by the inspecting architect.
- 2) All items for removal need to be given suitable consideration over disposal or relocation and final decisions agreed with the Archdeacon.

24. Following the responses from the Victorian Society and the Twentieth Century Society, the DAC modified this recommendation to suggest that the lectern and altar rails might be retained, but perhaps relocated within the church.

Discussion

25. In considering this petition, I have read the supporting papers and information, including the statement of significance and the statement of need and the responses from the amenity societies. This petition must be seen in the context of the recent history, which has almost seen the permanent closure of the church, with the loss of an important community and congregational resource. The current development scheme, which includes the proposals now under consideration, offers a real, and possibly the only, opportunity to revive the church building. In broad terms, therefore, I have concluded that the proposed changes are necessary and the impact on the overall appearance of the interior is, subject to the exceptions noted below, outweighed by the benefits of creating a space and environment suitable for the proposed ministry and mission of the church and its new congregation.

26. I turn to the two main aspects of the proposals.

Disposal of artefacts

27. I appreciate that the revival of the church under the current proposals does require the removal of many items which are not appropriate to, and may hinder, the new use of the church and I am satisfied that it is appropriate to permit the removal of the majority of the items proposed. However, the statement of significance and the information given in the application do not, in my view, do full justice to the significance of some of the furnishings and the inventory does not include information about the provenance or age of most of the items. I have considered the comments made by the Victorian Society and the Twentieth Century Society and it is clear that some items are of greater significance than the supporting papers suggest.
28. For the reasons given by the respective amenity societies, the four-sided lectern, the communion/altar rails and pulpit (with the associated memorial plaque) are of particular significance. The lectern enhances the Arts and Crafts aspects of the interior and its removal would detract from the overall interest of the interior of the church. Similarly, the communion/altar rails and the walls at the entrance to the chancel are attractive features and an integral part of the design of the chancel; their removal would in my judgment, diminish the appearance and interest of the chancel. Their removal is unlikely to be reversible and a clear need must be shown before permission for removal can be considered.
29. In relation to the pulpit (with the associated memorial plaque), while not an original fitting, it was plainly installed as a WWII memorial and is at least of considerable local and social interest.
30. I am not satisfied, on the information presently available, that the removal and disposal of these furnishings and fittings is necessary to enable the parish's objectives to be achieved and I have concluded that it would not be appropriate to grant permission for their removal at this stage. If it transpires that the retention of any of these items really does impede the use of the church in furthering its mission and ministry, I would be content to receive further submissions.
31. In relation to the other contents set out in the petition and in the inventory, the majority are not original to the church or there is nothing to indicate that they are of any particular significance or value. I am satisfied that the more flexible use of the church for the new congregation and for community needs requires that many of the contents be removed.
32. As regards the means of disposal, many items have already been earmarked for gift or loan to other churches and I am satisfied that that is the most appropriate course. Where a destination for any of the contents has not yet been agreed, the need for and means of disposal must be carefully considered and agreed with the Archdeacon.

33. I note that in two cases (items 13 & 26 in the Available section of the inventory) the name of the donor is given. In these cases, and for any other items where the identity of the donor is known, reasonable steps should be taken to consult the donor (if living) or any family member whose identity and whereabouts are known.

Temporary Screening of both side chapels to enable change of use

34. As noted, considerable thought and energy has been expended by the leadership team in developing the plan for the revival of the church building and to its use as a centre for ministry and as a community resource.
35. The proposed use of the South side chapel for children's ministry is entirely appropriate and it is clear that the area needs to be screened to afford privacy and protection. No other space within the church building has been identified as suitable for this purpose and in my judgment the chapel offers the most appropriate location.
36. The use of the North side chapel as a bicycle repair workshop is rather more unusual. At first sight it might not seem compatible with the use of the church as a place of worship, but the leadership team have had to think creatively in developing the building for community use and consider that this would provide a valuable facility which would bring local people into the church during times when otherwise the church may not be in use. It may also, incidentally, send a message that the church is encouraging sustainable forms of transport.
37. On balance I am satisfied that the use of the chapel for this purpose should be permitted and that screening is necessary for security reasons and to separate the chapel from the parts of the church used for worship.
38. I have had the advantage of seeing the plans and photographs provided by the parish, which show the extent and nature of the proposed screening to each chapel. It appears that these may not all have been available to the Victorian Society. I have considered the comments of the society, but have reached the conclusion that while the installation of the screening will have some adverse impact of the appearance of the interior of the church as whole, it is outweighed by the potential benefits of enabling creative use to be made of the available space for community use.
39. My conclusion is based on the temporary nature of the screening. If it transpires that the proposed use for either chapel does not enhance the overall use of the church for worship, ministry or community purposes, the scheme will no doubt have to be reconsidered and, provided that the installation of the screens does not cause irreparable damage to the fabric of the church, the work can be reversed without harm to the building. Any proposal to install

permanent screening which would adversely affect the fabric of the church would need to be the subject of a further faculty application.

Summary

Disposal of artefacts

40. On the information presently available I am satisfied that a faculty should issue for the following:

- (i) Removal & disposal of font & holy water stoop & make good
- (ii) Removal of Tester & Dorsal Curtain above high altar & make good
- (iii) Removal & disposal of side-chapel statues & make good
- (iv) Disposal of high altar
- (v) Disposal of any altars, statues, sanctuary lamps, candle stands, vestments and other miscellaneous items which are not required by the new congregation.

subject to the following conditions:

- (a) All items for removal must be given suitable consideration as to their appropriate disposal or relocation and all final decisions are to be agreed with the Archdeacon.
 - (b) Where the identity and whereabouts of the donor of any item (or, if deceased, any family member of the donor who may have an interest) is known, the item may only be removed and disposed of after reasonable steps have been taken to consult them.
41. The faculty does not extend to removal of the four-sided lectern (though it may be relocated within the nave area), the communion/altar rails, the low walls at the entrance to the chancel or the pulpit (with the associated memorial plaque).
42. I recognise that there may be further information available in relation to the items referred to in paragraph 41 and I would be willing to consider any further representations which the parish may wish to make as to removal or relocation. Any further request for permission to remove or dispose of any of these items may be made in writing without the need for a formal application.

Temporary Screening of both side chapels to enable change of use

43. I am satisfied that a faculty should issue for the temporary screening of the side chapels as proposed, subject to the following conditions:

- (a) The installation of the screens is to be overseen by the inspecting architect.

- (b) The installation is to be carried out in such a way that the screens can be removed, if necessary, without irreparable damage to the fabric of the building.

Philip Waller

Chancellor

11 September 2019