

Neutral Citation Number: [2023] ECC SEI 2

IN THE CONSISTORY COURT OF THE DIOCESE OF ST EDMUNDSBURY AND
IPSWICH

In re Stanton; All Saints

JUDGMENT

1. This is a petition by a Grade II listed church, for:
 - a. The building of an extension to the north of the nave to create level access into the church and an equal access WC;
 - b. The creation of a servery along the west wall of the nave;
 - c. The removal of the pews from the nave and the introduction of chairs;
 - d. The removal of the step at the base of the font, the introduction of a lectern and nave altar;
 - e. The introduction of wall-mounted electric heaters to the nave and under-pew heaters to the south aisle.

2. The Statement of Needs identifies that this will provide;
 - A south aisle and chancel designated as specific areas for prayer and worship;
 - [A space for] Contemporary worship with Everyone Welcome services (combining Café Church and Family at Church) in the church building;
 - [A space for] Traditional worship, including morning prayer and Holy Communion;
 - Space for social receptions following baptisms, weddings and funerals;
 - A drop-in coffee shop twice a week;
 - An after-school club from 3.30pm to 5.00pm twice a week for 11- to 16-year-olds offering space for homework and refreshments;
 - A collection and distribution point for a foodbank and debt counselling service working with partner organisations;
 - A venue for concerts and organ recitals;
 - A weekly parent / toddler group;
 - A monthly men's breakfast group

3. The Church is a 14th Century foundation. The interior was extensively restored in the 19th Century by S S Markham. C19 restoration of the interior included the replacement of the nave and chancel roofs, the seating and the pulpit.

4. Historic England have been involved in this proposal from an early stage and some of their recommendations have been incorporated into the final petition.
5. There are still concerns about some the quoins to the bottom plinth expressed by Historic Buildings and Palaces, but they have not objected to the petition.
6. The Society for the Protection of Ancient Buildings responded to consultations in the following way:

Turning first to the proposal for the extension: the statement of significance acknowledges the importance of the exterior of the nave, stating that it is of 'moderate to high' significance. We would suggest that, as a Grade II* building, it is at the high end of this spectrum in terms of significance: we note that Historic England defines Grade II* buildings as 'particularly important buildings of more than special interest'. We also note that both the statement of significance and the list description make specific mention of the buttresses along the north side of the nave, which incorporate stone panels with medieval inscriptions. Any intervention to the north elevation of the nave will therefore need to respect its considerable significance and that of the individual elements that contribute to it.

While we do not object to the principle of an extension accessed via the unblocked north door, we consider that there will be harm to the historic elevation, and the significance of the building as a whole, by virtue of its position and design. While we accept that the positioning of door and buttress pose a number of challenges, we think that it should be possible to arrive at a more sensitive design that allows the buttress and medieval plaque to remain on view. In respect of the glazing to the extension, the size, form and positioning of the glazed sections is overtly contemporary in nature and in our view has little sympathy with either the historic church building or the more traditional architectural language that is employed for other elements of the extension. We would advise that the fenestration of the extension should be contextual, utilising materials and architectural features that exist elsewhere on the building.

We were sorry to learn that the underfloor heating, presumably installed quite recently, is not performing as the parish would wish. This underlines the importance of seeking advice from a heating advisor and/or building services engineer with extensive experience of church buildings, rather than simply a contractor with a vested interest in selling a particular solution. While quartz heaters may be acceptable in principle, there are heaters on the market that are less visually intrusive, both by virtue of their design and because they do not glow red. We would strongly advise the parish to seek independent advice in this respect and the DAC may be able to arrange a visit from their own heating advisor.

...

In respect of the removal of the pews, we would ultimately defer to the Victorian Society, but consider that the removal of all but a small number of pews would be a considerable loss to the historic character of the church. It would be helpful if the extent of removal could be clarified as the documentation states that the south aisle pews will be retained, whereas the drawings show only three pews remaining. Retaining a central block of pews can be a good compromise solution that grounds the nave and adds dignity to the space, while still allowing flexibility for arrange of activities.

7. The Rev Cathy Bladen, on behalf of the petitioners responded with a very full email:

The extension.

The design of the proposal was developed with the materials and details of the existing building in mind, including the additions and alterations such as the vestry and tower. Evidently this building has undergone changes over its life as one would expect and these tend to reflect something of the time in which they were undertaken, in a relatively sensitive manner. This is what we have been seeking to do with this extension, building it with traditional materials and detailing largely, but with a distinctive modern approach. This is not intended to shout above the rest of the building, but simply demonstrate the ongoing use and mission of the church to the community in a built form. The actual physical form of the extension is largely determined by the parameters of the site in which it is located. To avoid marked burials, work around the blocked up north door and merge into the buttress in a reasonably sensitive way, whilst also avoiding a clash with adjacent windows etc. The glazed elements are intended to bring natural light into the extension and help it feel open, generous and welcoming. The extension is of a relatively modest scale in keeping with the vestry further to the north, however we did not want it to be apologetic about its presence, but to add something positive to the building. The extension is deliberately designed to have a relatively light touch connection to the existing north wall, and the glazing will enable the original north wall and re-opened north door to be visible from the outside. Following negotiations with the local authority and Historic England the proposals have been granted planning permission.

The heating

The underfloor heating was installed in April 2010 under the guidance of our then inspecting surveyor. It had the support of the DAC's heating adviser. It is an insulated electrical system below new floor tiles under the two main blocks of nave pews. It struggles to raise the temperature of the church. To be most effective it should be running constantly at a low setting. This is financially impossible for us and we are concerned about our carbon footprint that such usage would cause. The specific quartz heaters we have chosen have the 'Magic Lamp' technology which results in a much reduced glare and a soft pink light rather than the more usual red. Their advantage over the underfloor system is immediate heat at an affordable cost. The DAC's heating adviser has reviewed the proposals and is supportive.

The south aisle will retain its pews as a centre for traditional worship and therefore under-pew heaters are the most suitable option.

The pews

We have chosen to leave pews in the key places where they are used and valued. Our south aisle caters for more traditional and quiet services. The choir stalls are used by the benefice choir and on the rare occasions when we only have a few folk together. Pews in the main nave of the church restrict our newer forms of worship: we need the ability to have table and chairs throughout the nave for our Everyone Welcome service where craft and working together is part of the service. At the moment, with only a few tables for people, the congregation feels divided as there are insufficient tables for everyone and some have to sit in the pews.

The nave pews have also hampered our various outreach activity evenings restricting the movement of families, with buggies parked round the church restricting movement. We also need the main body of the church to be a space where we can invite the community in to the church building for other activities too, such as shared meals, coffee mornings and, in the future, children's groups.

The porch door

The existing inner porch door will be retained. New glazed doors will be added to the entrance arch with the existing door kept open during the day. They will be closed and locked at night to give added security. There will be a single glazed door from the new extension to the nave. Drawings of the proposed doors are attached.

8. SPAB accepted much of the petitioners' response but repeated their concerns about the heating. The petitioners responded:

In response to your comment about the heaters:

The specific quartz heaters we have chosen have the 'Magic Lamp' technology which results in a much reduced glare and a soft pink light rather than the more usual red. The heaters are of a similar nature to many seen in many of our historic churches. The DAC's heating adviser did visit and has reviewed the proposals and is supportive.

When discussing heating on a DAC visit we were told that they would not be in favour of hanging heaters as this would visually impact the open feel of the church and the flow of one's eyes to the beautiful Holman Hunt stained glass East Window.

9. The Victorian Society also made a very full response:

The congregational benches are of a comparatively simple design, but they are nonetheless thoughtfully and pleasingly detailed. Indeed, careful inspection demonstrates just how much care went into the design and detailing of even relatively modest benches. An illustration included in the Statement of Significance suggests

that an original drawing by Markham's hand survives demonstrating the design and construction details of the benches. Drawings such as this are extremely rare.

Individually the benches are pleasing. Their ensemble quality is also considerable, both as part of a comprehensive and substantially intact restoration carried out by Markham, and in the way in which they characterise the interior and contribute profoundly to its sense of order and repose. Their wholesale, or near wholesale, removal would have a considerable impact on the quality and character of this highly listed interior. Without a far more compelling articulation of the need for such sweeping clearance of the historic seating (or a demonstration of why a critical mass of benches in the nave could not be retained), we would have to oppose this aspect of the scheme. Given that the benches can, as the Statement indicates, be easily unpegged from the floor, it does not seem that the retention of a block of nave benches (allied to the clearance of those elsewhere) need unduly undermine the flexibility of the space.

...

As noted above, we wholly agree with the SPABs views on the design of the extension. The pitch of the roof, the nature of the triangular section of glazing in the wall and the detail (so far as it is discernible) of the door are all troubling and unworthy of and fail to respond to the architectural qualities and characteristics of the II*-listed building.

Finally, we echo also the views of the SPAB in respect of the heating. It is of course a shame that the underfloor heating is not working as was envisaged; and clearly the interior does require adequate heating. However, the proposed quartz heaters proposed are amongst the least appropriate for a highly listed church interior, both on account of their design and the fact that they emit an unwelcome, intrusive red glare. There are plenty of non-glare alternatives that would satisfy the parish's requirements, and we urge that they are explored.

10. The Petitioners responded to this in substantially identical terms to their response to SPAB. I have to say I share the DAC's intrigue that the Victorian Society should have chosen to respond to matters outwith their perceived expertise, but nevertheless I am grateful for their input.
11. The amenity bodies were given the chance to become parties opponent. HBAP and SPAB both replied declining the offer.
12. The local authority has granted planning permission and the DAC have recommended that I grant the petition with two conditions.
13. The test is set out in the 'Duffield' judgment namely:
 - (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 the question (1) is 'no', the ordinary assumption 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 *Peak v Trower* (1881) 7 PD 21, 26-28, and the review of the case law by Chancellor Bursell QC, in *In re St Mary's, White Waltham* (No.2) [2010] PTSR 1689 at para 11). Questions 3, 4 and 5 do not 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 (see *St Luke, Maidstone* [1995] Fam. 1 at 8), 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?

14. I have taken some time to consider this case which is not straightforward.

15. I will take the various matters in turn.

16. In relation to the extension, I am of the view that it would result in some harm to the significance of the church as a building of special architectural or historic interest, but I am persuaded by the submissions of the petitioners that the harm would not be 'serious'. I am also satisfied that the petitioners have proposed a building that is appropriate bearing in mind the physical and other constraints of the space available. I am also satisfied that the 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 any harm that may be caused. In time I am sure that the extension will be viewed favourably as part of this ancient church's palimpsest of architecture.

17. In relation to the heating I agree with the observations that the glare from such heaters is less than ideal, but in all the circumstances, including importantly, the matters of the expense of running the underfloor heating that is currently installed, I approve the proposals. A church whose finances are being eaten up running 24 hour heating is not going to be in a position to carry out any missional work.

18. In relation to the pews I take into account what the petitioners have said in their Statement of Needs:

An experimental removal of a number of the Victorian pews at the west end under an archdeacon's licence for temporary re-ordering has facilitated the use of the space for post-service socialising and the successful Family at

Church events. In this limited way, the PCC has seen the potential for clearing the nave and aisle of pews.

I am satisfied that the more adaptable interior created by the replacement of the pews with chairs will help with the mission of the church in this area.

19. Accordingly this petition passes the seal with the following conditions:

1. A copy of the Written Scheme of Investigation for archaeological investigation of the groundworks should be supplied to the DAC Secretary for comment as soon as it becomes available.
2. A stone panel with carved detail currently to be incorporated in the lower table of the buttress to be incorporated within the proposed lean-to extension should be relocated, and the new location approved by the DAC.

19th September 2023

Justin Gau,
Chancellor