

**IN THE CONSISTORY COURT OF THE DIOCESE OF BIRMINGHAM**

**IN THE MATTER OF CHRIST CHURCH, SUMMERFIELD [2016] ECC Bir 2**

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**JUDGMENT**

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1. By Petition dated the 2 November 2015, the Vicar and Churchwarden of Christ Church, Summerfield seek a faculty for the reordering of Christ Church.
2. The Petition has largely been unopposed and no party has sought to demand a hearing nor to become a Party Opponent. Accordingly I have considered the matter on the written documents before me.

**The Petition**

3. The Petition as originally constituted involved the following works.
  - (a) General works; lighting, heating and redecoration.
  - (b) Narthex or West End;
    - (i) Upgrade to north entrance including storage
    - (ii) Creation of a flexible hospitality space, accessible directly from the north entrance as well as from the nave including;
      - Removal of 1970's toilets, ceilings and draught lobby
      - Installation of new toilet facilities including for disabled use and baby change.
      - Creation of cleaner's store and flower arrangers' spaces.
      - Relocation of the glazed timber screen to create a large hospitality area/meeting space.
      - New tea and coffee facilities and servery.

Removal of infill to arch to the north side and installation of glass doors.

Carpets/vinyl floor finishings.

(c) Nave;

- (i) Creation of a flexible space to serve a variety of uses.
- (ii) Removal of all pews (retaining examples repositioned)
- (iii) Removal of timber floors.
- (iv) Installation of beam and block floor.
- (v) Installation of unified timber floor finish.
- (vi) New loose seating proposed with the general arrangement as indicated in the drawings supplied.

(d) East End

- (i) Creation of raised timbered dais and steps.
- (ii) Removal of choir stalls and chancel furnishings (relocation/disposal).
- (iii) Installation of a carpet.
- (iv) Creation of ramped access to side chapel.
- (v) Removal of stair access and vestry.
- (vi) Creation of crèche facility in vestry with new WC, baby change and associated storage.

4. The Petition which I have to consider remains largely unaltered although I should pay considerable tribute to the flexibility shown not just by the Parish in being prepared to listen to objections from the heritage bodies, in particular Historic England and the Victorian Society but also in the sensitive and flexible approach shown by those heritage bodies in recognising that not only does Christ Church represent a building of significant architectural interest but it also has the potential to represent a focal point in the mission of the church in Summerfield.

5. The principal objections raised related to the re-ordering of the Chancel. Initially the Chancel furniture was to be removed in its entirety but after discussions that the Registrar and I had with the Parish an amended proposal was submitted which involved the retention of the pews in the Chancel albeit in a truncated form.

### **Christ Church, Summerfield**

6. Christ Church is in the Winson Green suburb of Birmingham. The railways and canal approach the centre of the city through this area which had become part of Birmingham by 1838. It was early developed for industrial purposes but by the mid 19<sup>th</sup> century small houses and various institutions had followed. Houses had covered all available ground by the end of the century. In "The Buildings of England (Warwickshire)" (Pevsner and Wedgwood 1966) the church is described as "*a memorial church by J.A.Chatwin, where there was obviously enough money available. It was built in 1883 – 5 to his usual plan of nave and aisles to apsidal chancel and this time also with transepts. Here it was possible to use stone and the result, spaciouly Perpendicular, is solidly and soberly handsome. No money was left over for frills, however, and the only decoration is the lush capitals and bosses that have been carved from time to time over the succeeding years.*"
7. Christ Church is Grade II listed. The DAC in its submissions dated the 24 March 2016 indicated the proposed work is likely to affect the character of the church as a building of special architectural or historic interest.
8. The area which Christ Church serves has changed over the years. It is now in the middle of a predominantly transient community with many houses in multiple occupation. There are increasing numbers of student bedsits and according to the 2011 census the number of people in the Parish who self-identify as Christians is 3,400, a third of the total. There are 70 people on the electoral roll and a growing group of about 25+ children. The congregation consists mainly of older people and young families and it is clear that the church has become a focus for youth work. A "Place of Welcome" drop-in has been started which is described as a very important hub for many vulnerable people in the community. The church participates in the Birmingham Churches Night Shelter Scheme.
9. The building itself, as I saw on inspection, is large, light and airy but with a rather cramped and awkward series of doors leading into the hospitality area at the west end. The toilet facilities are antiquated and there is no disabled provision. The carved oak choir stalls are no longer in use and no use is made of the Apse and

communion rail. The pulpit is not used nor is the lectern. The organ is no longer used and the organ loft is unsafe for regular access. There is limited wheelchair access. Although some work was done in the 1970's it is apparent on inspection that if the Parish's aim of reaching out to the local area is to be fulfilled, the building in its present form would act as a significant deterrent to the achievement of such aim. Of historical interest is the inclusion in the carvings on the pillars of the names of two members of the Chance family. The Chance brothers were world famous glass manufacturers whose former home, Summerfield House, stood nearby. It is presumed that they contributed towards the initial cost of building the church. Of more visible importance are the Chancel furnishings. These were designed by Chatwin and are regarded by the heritage bodies as an important "set", representing as they do work by one of Birmingham's most prominent late Victorian architects. The flooring of the Chancel is of Victorian tiles which have been covered over for some time. The Victorian Society in particular is anxious that any proposal should allow these to be visible.

### **The Statement of Need**

10. The reason behind the Petition for re-ordering arises out of an understanding by the Parish of the shortcomings of the building in helping them pursue their aim to become an attractive, welcoming and functional local hub for community events. They feel that the interior of the church building needs to be flexible and that the lack of communal space in the Parish creates a huge potential for the "repositioning" of the church within the locality by offering an open, relaxed, welcoming and "inspirational" space as the community might see it - whilst retaining the essence and primacy of the building as a house of worship and a place of prayer. Their aim is for the building to be a place which visually and by its activity points visitors and users to the welcome, the truth and the grace of Christ. To do this they need to be able to use the main nave space in different ways and in different layouts for a diversity of appropriate purposes, e.g. worship in the round, artistic and performance events, audience space for such events, suppers, exhibitions etc.
11. They wish to open up the Chancel to facilitate a diversity of use including ways that will serve the use of the Nave, e.g. a choir or musical group performing from the new platform area to the Nave area or a large piece of worship related art such as a cross. The Chancel will be for the most part a space for the church's musicians, for the communion table and for smaller gatherings for prayer and worship.

12. The church has not been used since 2013 because of the need to re-roof it but previously the use was limited to services on a Sunday and Wednesday, music rehearsals and funerals. They say that the nave and Chancel do not serve well the purpose of flexible space and the other areas of the church, the entrance, the hospitality area and toilets, storage and facility areas are deeply unsatisfactory at the moment. Having visited the church it is clear that if they need a flexible space the present order does not permit it.
13. The Petition is a very detailed document and, given the present views of "objectors" it is not necessary for me to recite in any more detail than I have done above the precise proposals of the Parish. Broadly they would provide a more flexible space, improved facilities, proper disabled access, proper facilities for families and children, modern heating, modern lighting and a more attractive physical environment to develop the Parish's mission.

### **Objections to the Petition**

14. As I have mentioned above, the Heritage Bodies have all been consulted. They demonstrated an appropriate and sympathetic understanding of the aims of the Parish but the objections of Historic England and the Victorian Society were principally directed towards the removal of the "set" of furnishings in the Chancel. Happily, as a result of the negotiations that I have set out above the Parish has modified its proposals so although the pews will be shortened to allow for disabled access to the side chapel. The new proposal involves the retention of the pew frontals (which on my visit were significant in terms of the quality of their workmanship) to recess the stalled pews and to transfer the front pews so that they could be relocated to the side chapel. They had considered the re-location of the stalled pews instead of the front pews to the side chapel but the detailing of shortening the front pews works against the provision of a suitable disability access for the Chancel and thus the pew frontals which originally went with the front pews will be located in front of the stalled pews. That compromise has been welcomed by both Historic England and The Victorian Society and thus they raise no objection to the Petition in its entirety with one exception.
15. The proposals for the floor in the Chancel are that a level space should be created to maximise its use. At the moment the pews sit slightly higher than the floor which is covered in Victorian tiles. The Parish's proposal is that those tiles should be covered over by a wooden flooring so that there is a uniform floor across the

Chancel. That would then be covered by carpet. The Victorian Society are concerned that the tiles would thus be invisible and that as they formed part of Chatwin's original scheme they would interfere with the concept of the work as a "set". In discussions that I have had with the Parish they have agreed to look again at making a portion of the tiles at least visible whilst retaining a level floor space. For that reason it has been agreed that in this judgment I will not deal with their Petition to cover over the tiles and to place carpeting over the floor but will deal with that as a separate matter once their proposals have been considered by the heritage bodies.

16. On the 11 May 2016 Mr and Mrs Morrison wrote to the Registrar in respect of the proposed works. Their letter was well reasoned and demonstrated clearly their love (evidenced by Mr Morrison having sung in the choir for over 50 years) of Christ Church, Summerfield. They accept that the work to the rear of the church is urgently needed but query whether the removal of the pews and the destruction of the Chancel is necessary. It is clear to me that they have the best interest of the church at heart. In many ways what they said replicated the objections of the heritage bodies as all were concerned about the removal of the furnishings from the Chancel. I hope that the amended plans will satisfy their objections. They tell me that they are on the welcoming committee and indicate how pleased they are when people come into church and feel the peace that it gives. They also worry about the cost of the work and it is clear to me that the work included in the Petition can only go ahead if funds are in place. They stress the importance of being able to get back into the church and use it as a place of worship. They do not wish to worship in a building site and I have every sympathy with their view. I hope however that what I say in this judgment will allay to a large extent their fears and enable them to continue to worship for a long time in the church that they so obviously cherish.

### **The Law**

17. In considering this Petition I am mindful of the approach advocated by the Court of Arches in ***Re: St Alkmund Duffield***. I follow their approach set out in paragraph 87 of the judgment and make the following findings:

- (i) The proposals if implemented would result in harm to the significance of Christ Church as a building of special architectural or historic interest. However the harm that the original Petition would have caused has been significantly

mitigated by the amendment to the proposals and thus the ordinary presumption in faculty proceedings that things should remain as they are has been rebutted. It is clearly necessary for the survival of the church and its development that it is made into a more accessible building fit for modern day purposes. The aims of the church are laudable and, if successful, will result in a significant improvement in the use of the building and in the development of the mission of the church in the Parish. To my mind there is a clear and convincing justification for carrying out the proposals. I regard the new proposals for the retention of the chancel furniture as being entirely appropriate in balancing the need to preserve the architectural glory of the building with the need to use the building in the 21st century. The proposals will result in increased liturgical freedom, the pastoral wellbeing will be improved by the improved access, for example, for disabled persons, the reordered church will enable new people to be attracted in to use the building in different ways consistent with its role as a place of worship and mission.

- (ii) I regard the harm to the church as a building of special architectural or historic interest to be minimal but the potential good to be enormous.

### **Decision**

18. In those circumstances I grant the Petition and direct that a Faculty should be issued with the exception of the Petition to alter the flooring level in the Chancel. Once the Parish have considered that matter I will issue a supplemental judgment and would wish The Victorian Society to have an opportunity to comment upon the proposals as it is they who have raised the objection to the covering of the floor tiles.
19. I do bear in mind the desire of Mr and Mrs Morrison not to worship in a building site. I appreciate that from everything that I have heard from the Parish they would not wish to have the building in a half completed situation and thus they will need to be sure that the funds are in place to carry out the proposals. I would wish to hear from them in some more detail as to the order in which the work is to be carried out, and how they will deal with the question of funding. I also make it a condition of the grant of the Faculty that any parts of the Chancel furniture which are not to be used

in the re-ordering shall be maintained in the church so that, in so far as is practicable, they can be replaced in the future if so desired.

**Dated this 10th day of October 2016.**

**Mark Powell QC**

**Chancellor.**