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IN THE CONSISTORY COURT OF THE DIOCESE OF SOUTHWARK

IN THE MATTER OF ST JOHN'S CHURCH, WATERLOO

AND IN THE MATTER OF A PETITION BY REVD CANON GILES GODDARD, BELINDA TAYLOR AND DAVID CLARSON

JUDGMENT

I INTRODUCTION

1. This is a petition for a faculty received in the Registry on 21 December 2015 by Canon Giles Goddard, Belinda Taylor and David Clarson. They are, respectively, the Vicar, Churchwarden and Treasurer¹ of the parish of St John (with St Andrew), Waterloo. The petition seeks permission for the following works:

Removal of existing lobby and construction of a glazed screen under the balcony to provide a narthex, welcome and café area; construction of a new staircase under the gallery to provide access to the crypt; installation of a new lift; re-ordering of the nave, including new vestry chapel and storage units and baptistery; introduction of new roof lights to illuminate the east end; restoration of Feibusch mural; upgrade to crypt facilities.

2. Although no final decisions have been taken, potentially the scheme would involve modifying elements of the existing colour scheme to make it less dark.
3. The scheme involves the demolition of the existing vestry and chapel; apart from this aspect, the proposals are reversible.
4. At a meeting held on 16 March 2016, the PCC unanimously resolved to apply for a faculty in respect of the above works.
5. The DAC considered the proposals at a meeting held on 8 December 2015 and recommended them for approval by the Court.
6. By Particulars of Objection dated 9 February 2016, the Twentieth Century Society became a Party Opponent in the proceedings.
7. As well as the Twentieth Century Society, Historic England, the local planning authority (the London Borough of Lambeth), the Church Buildings Council and the Georgian Group were all involved in consultation as the scheme was developed by the Petitioners. The Georgian Group did have concerns but these have now been resolved. Historic England and the local planning authority both objected to the proposals, although neither decided to become a party opponent.
8. My initial view was that it would be possible to determine this matter on the basis of written representations and the Twentieth Century Society agreed with determining the matter in this way. The benefit of this would have been the saving of costs. However in due course it

¹ Mr Clarson was a petitioner because the second churchwarden, Alice Mwamje, was abroad at the time that the petition was submitted.

became apparent to me that the case raised some issues which were particularly difficult and in respect of which I would be assisted by hearing oral evidence and submissions. Moreover, in these circumstances, dispensing with a hearing risked unfairness to one party or the other. I can record that I have indeed been assisted by the oral hearing and I am grateful for the assistance which I have been given. As well as hearing evidence from the parties, I also heard evidence on behalf of the CBC, Historic England and Lambeth LBC. The hearing was held in the church² on 12, 13, 14 and 15 December 2016. Mr Cain Ormondroyd appeared for the Petitioners and Mr Jeremy Pike for the Twentieth Century Society. I am grateful for the helpfulness of their submissions.

9. On Sunday 11 December 2016, having given the parties notice of my intention to do so³, I attended the services of Eucharist celebrated at the church at 9 am and 10.30 am.

THE BACKGROUND FACTS

The Parish

10. The area in Lambeth which is called Waterloo takes its name from Waterloo Bridge which was opened in 1817 on the anniversary of the battle⁴. The church stands at the northern end of Waterloo Bridge Road in one of the most prominent locations in London and plays a key role in the townscape of Waterloo. Its parish is roughly a triangle, stretching along the River Thames from Westminster Bridge to Gabriel's Wharf (by the OXO Tower) and down to St George's Circus near the Elephant and Castle. It contains around 8,000 residents, the country's busiest railway station, the National Theatre, the South Bank Centre, the Old Vic, the Young Vic, the HQ of Shell plc and the HQ of ITV. Over 50,000 people come to work in the parish each day. There is currently substantial redevelopment going on in the parish, costing in the order of £1bn and which will provide new housing, shops and offices.
11. Morning Prayer is celebrated daily in the Church and is attended by 5 or 6 people. There are lunchtime Eucharists on Tuesdays and Thursdays attended by 5 – 10 people and an evening service (called "Contemplative Fire") on Tuesday evenings attended by 10 – 15 people. On Sunday the Eucharist is celebrated at 9 am and 10 30 am, the total congregation being about 80 – 100. The congregation is made up of people of all ages (2 months – 95 years) and has grown by about 10% a year for the last four years. There is an amateur choir of 10 – 15 people. There is a flourishing junior church and a dedicated Godly Play room in the crypt. About a third of the congregation is from Uganda, the rest coming from all over the world. There are 120 people on the electoral roll. St John's is the home of Okusinza mu Luganda, a congregation that worships here by virtue of Mission Order made by the Bishop. It meets once a month to worship in Luganda and has an average attendance of 200.
12. St John's hosts the Diocesan Synod on a regular basis and many national church organisations hold meetings or services there. Over 50 arts and community organisations also use the church, including a large number of amateur orchestras and choirs.
13. The crypt of the church is home to 6 charitable organisations, four of them connected with the arts, which contribute to the life of the local community. In total, 22 people work in the crypt, and many more visit it regularly for workshops and meetings.
14. The church of St Andrew in Short Street is a modern church within the parish replacing an earlier church which was badly damaged in the Second World War.

² On 12 December 2016, the afternoon session was held in St Andrew's Church, Short Street.

³ Notice was also given to Historic England, Lambeth LBC and the CBC.

⁴ Waterloo Railway Station, which opened in 1848, was originally called Waterloo Bridge Station.

The Church

15. The church dates from 1824. I set out further details about its history at paragraphs 17 to 56 below. The exterior of the church is well known from its prominent position on Waterloo Bridge Road. It has a Doric portico of five columns, surmounted by tower containing a clock, visible externally, and a ring of eight bells⁵. It is separated from the street by railings. It is entered by a central door which opens on to an entrance lobby beneath the tower. The “worship area” is entered through a further small lobby beneath a gallery which spans the width of the church and on which stands a pipe organ.⁶ The Holy Table stands at the east end of the church immediately beneath a mural of the Adoration of the Shepherds by Hans Feibusch. Above this mural is a further mural by Feibusch of the crucifixion. This mural is flanked on each side by a mural by David Morris. At the north east corner of the church is a vestry which also contains two WCs and a WC for the use of those whose mobility is impaired. At the south east corner is a small chapel. In front of the sanctuary, adjacent to the north and south walls respectively are a pulpit and lectern. The font stands centrally at the west end of the church. Access to the crypt is by stairs in extensions built in 1981. There is no access available to the crypt for those whose mobility is impaired.

The Proposals

16. Fully to appreciate the proposals it is necessary to examine the plans. During the course of the hearing, I also had the benefit of being able to look at a model of the church which illustrated the proposals. What follows is a summary of the main proposals. The existing west entrance will be “opened up” so that it will be possible see directly into the church (with a view of the east end) through glazed doors. There will be a new reception area beneath the tower, and a lift to the crypt will be provided in this area. A foyer will be provided under the west gallery and a new stair to the crypt will be provided from it. The existing interior is to be remodelled. Natural light to the east end will be provided by the removal of the existing easternmost central ceiling panel. The murals by David Morris will be removed. The sanctuary will be simplified so that it will be essentially on a single level. The Holy Table will be made moveable so that it will be at the front of the sanctuary area for Eucharistic services but against the east wall when the church is being used for performances. A new vestry and chapel will be provided and there will be balconies along the north and south walls. The galleries will provide seating for 28 people and beneath them will be areas for storage. A baptistery will be formed in an alcove beneath the northern gallery at the west end, and an oratory in the alcove beneath the southern gallery facing it. A lightening of the colour scheme is proposed. New WCs will be provided in the crypt. The whole of the crypt area will be refurbished and improved, with the brickwork of the walls and vaults revealed where possible. The scheme has been designed with the intention of significantly improving the acoustic of the building.

History

17. In 1818, Parliament passed a Church Building Act which established a fund of £1m for the building by Commissioners of new churches in populous parishes. Because some saw the passage of the Act as an act of thanksgiving for victory at the Battle of Waterloo, the churches became known as Waterloo churches⁷. It was therefore particular appropriate for one of the

⁵ I had the opportunity of joining the ringers, ringing for the 10 am service, when I attended service at the church on 11 December 2016.

⁶ The organ, although rebuilt, is that first installed in the church. Mendelssohn played on it in c1840: see Little *Mendelssohn and the Organ* (2010) p372.

⁷ They are also, more accurately, styled “Commissioners’ Churches”.

new churches to be built in Waterloo⁸. Because the church was “in the more immediate vicinity of London” a more imposing design was selected than would otherwise have been the case⁹. The architect was Francis Bedford (1784 – 1858). Bedford had travelled in Greece in 1812 – 1813 with William Gell, assisting him to record the antiquities. He thus became an enthusiast for the Neo-Classical style, in which he designed three other Commissioners’ churches¹⁰. The church was consecrated in 1824.

18. Inside the church there was a gallery at the west end, on which stood the organ, and there were galleries on each side of the church, running east/west. There was a classical style reredos at the east end on which were inscribed the Ten Commandments and the Lord’s Prayer. The body of the church was furnished with low box pews. Towards the eastern end were two pulpits, one on each side of a central aisle. If both were used, one would have functioned as a lectern. The east window was filled with stained glass, apparently depicting a dove.
19. By 1883, as appears from a photograph reproduced in the church *Guide*, a new pulpit on an imposing stone base had been built – presumably replacing Bedford’s two pulpits. By this time also a new east window depicting the crucifixion had been provided.
20. In 1885, Sir Arthur Bloomfield re-ordered the east end, providing a new reredos and sanctuary. It appears that he provided a new, more elegant, pulpit, which may be seen in a picture published in *The Builder* in 1951 and included in my papers.
21. Between 1924 and 1933 change came again, when Ninian Comper installed a new Holy Table beneath a baldacchino which was positioned in front of the existing Holy Table at the east end; thus a small Lady Chapel was created at the east end. Bloomfield’s reredos was retained, as was the east window. The pulpit was also retained (no doubt moved), with Comper providing a new hanging¹¹.
22. On the night of 8 December 1940, a high explosive bomb struck the north-east corner of the church. More than half the roof was blown off and much of the interior of the church was wrecked.
23. Photographs thereafter show the church as a shell, the baldacchino having been destroyed and the roof and galleries removed.
24. In 1949, it was agreed that the Church would serve as the church for the Festival of Britain, to be held in 1951. It now became necessary to consider how it should be restored. The task of restoration was entrusted to Thomas F Ford¹².

⁸ Four Commissioners’ Churches were built in the historic parish of Lambeth, one for each Evangelist: St John, Waterloo; St Luke, West Norwood; St Mark, Kennington; and St Matthew, Brixton. Confusingly, these are sometimes called “the Waterloo Churches”.

⁹ The cost was £18,034. The most expensive of all the churches built under the Act of 1818 was St Luke, Chelsea (£28,109): see *600 New Churches* by MH Port (2006).

¹⁰ St George, Camberwell; St Luke, West Norwood; and Holy Trinity, Newington. It is suggested that the fact that he was a local man (he came from Camberwell) may have assisted him in obtaining these commissions and that to design St John’s.

¹¹ The gazetteer in *Sir Ninian Comper* by Symondson and Bucknall (2006) records that Comper designed a pulpit hanging but not a pulpit itself (see p280). The candlesticks used on the Holy Table were designed by Comper and, surviving the bombing (see paragraph 22 below) are still used today.

¹² For more about Thomas Ford, see paragraphs 54 and 56 below.

25. Ford's original plans showed the church restored to how it would have appeared when it was first opened, save that it was not proposed to put back Bedford's twin pulpits¹³.

26. A decision was then taken by the Diocese not to restore the galleries, as explained in the faculty that was ultimately granted:

Owing to decrease in the population of the parish it is felt that the side galleries are no longer needed. In addition there is difficulty over timber and steel for unnecessary work¹⁴. The west gallery is to be restored because it carries the large organ and choir.

27. Following this decision, it was decided not to restore the baldacchino also¹⁵.

28. On the basis of these design decisions, Ford produced a design that was similar to that which was in due course effected but with the difference that the east window was restored as a window. At a late stage, a decision was taken not to restore the window and there to be a mural instead. This was to be executed by Hans Feibusch. Feibusch had come to Britain in 1933 as a refugee from Germany. It seems that Feibusch had been introduced to Ford by Hugh Casson, who was then Director of Architecture for the Festival of Britain. Feibusch was an outstanding artist who specialised in mural painting.

29. The restoration was described in an illustrated article in *The Builder* (which may have been written by Ford himself). It described

... an airy light building where the use of colour has been skilfully employed and the style and purpose of the original architect have been blended with the requirements of today

and stated that the decision not to restore the galleries (apart from the west gallery)

has led to the rearrangement of the interior as it now is.

30. It explained that

... the whole of the mouldings and ornaments used are replicas of the original work, based on those fragments which remained. Where new ornament has been required, it has been carefully designed to match this refined detail.

31. As regards the electric lighting it pointed out that the

Installation is of a double character; there are six large chandeliers which give general surface lighting. They are supplemented by floodlights concealed in the central paterae of the ceiling.

¹³ It is possible that Ford's original designs pre-date the identification of the church for use during the Festival of Britain, but it is perhaps doubtful that he would have worked on plans until it was known that the church was going to be restored.

¹⁴ In an article in the parish magazine, Ford explained that this decision was made by agreement in the course of negotiations between the War Damage Commission and the Diocesan Authorities and the Church Council.

¹⁵ See a letter dated 22 August 1950 from Thomas Ford to Sir Ninian Comper. It may be noted however that Ford's first designs, although they had envisaged putting the galleries back, had not envisaged restoring the baldacchino.

32. Ford explained his design in more detail in an article in *Waterloo Bridge*, the parish magazine. Having set out the decision not to restore the galleries, his article continued

It soon became obvious that a completely new conception of the interior was needed, since the side galleries had been an essential part of the design and gave an appearance of length to the church, besides justifying the double tiers of windows on each side. Whereas in its original state the church might be said to be of two storeys, with a rather narrow gap in the centre leading the eye on to the east end, and giving but a partial view of the ceiling, now the entire interior could be seen at one glance, creating a totally different impression, one of breadth and height and spaciousness, but lacking perspective and distance and the smallness of scale resulting from interior sub-divisions.

Much thought has, therefore, been devoted to the rearrangement of the interior made necessary by this change.

A feeling of length has been attained by setting the Sanctuary back to the east wall, and reducing its width by forming two enclosures to the north and south, one of which serves as a Priest's Vestry and the other as an enclosed Lady Chapel. The receding perspective thus produced has been accentuated by the provision of a tall Pulpit and Lectern, which by their height and position carry the lines of the Sanctuary westward, and help to reduce the great width of the body of the church.

The west gallery has been reconstructed, this time in steel and concrete, and carries the two organ cases, of which considerable remains had fortunately been salvaged.

The roof has been reinstated in steel, with a fibrous plaster ceiling, while the beams, cornices, pilasters, and ornamental details have all been faithfully restored. In this it was possible to obtain a good deal of information from Bedford's church of the Holy Trinity, Newington, where the detail was exactly similar.

An interesting feature of the restoration was the discovery in the east wall of indications of the original plaster reredos which were sufficient to make possible a very accurate reproduction of it to take the place of the destroyed Victorian panelling. The centre panel of the reredos holds a painting of the Adoration of the Shepherds. This, with the fresco of the Crucifixion in the east window, is the work of Mr Hans Feibusch.

The colour scheme of the interior has been devised to emphasise the architectural lines of the building, which are treated in pale fawn. The plaster enrichments are partly gilt on green and terra cotta ground. The green is echoed in the floor, and in the altar rails. Most of the new woodwork is painted, as this is in keeping with the original design; but polished mahogany has been used where a hardwood is necessary.

33. In the process of deciding the appropriate way to restore the church, the decision not to reinstate the baldacchino and the galleries was the subject of criticism by Sir Ninian Comper, Dr Francis Eeles and perhaps the Festival of Britain religious sub-committee. Dr Eeles was Secretary of the Council for the Care of Churches from 1924 until his death in 1954¹⁶. On the issue of the restoration of the balconies, he wrote as follows:

¹⁶ He contributed a chapter entitled *The Anglican Tradition: Ornaments and Fittings to Post-War Church Building* edited by E Short (1947).

... I think that it is a profound mistake architecturally not to restore them. The arrangement of the windows and the general proportions of the building depend entirely on the galleries. Nothing Ford proposes, ingenious though he has been, can replace them. I realise that the church would be too big with them for future congregations, but after the Festival is over, I would have partitioned them off as at St John's Wood Chapel, where the result is most effective, and the church has gained two excellent halls¹⁷.

34. Ford's response is contained in a letter to Dr Eeles dated 19 February 1951:

The decision of the Diocesan Authorities that the side galleries should not be reinstated made it necessary to "re-think" the whole of the interior, and moreover, to do this when the work of restoration had actually begun. It has involved most careful consideration of every piece of restoration, and of all the new features which the removal of the galleries has made necessary. My fear, all along, has been lest the stylistic restoration of this Church should be too austere, cold and lifeless, and that I might be accused of creating a 'Period Piece'. In the result, however, the Church will not be as F.O. Bedford designed it in 1824, though the classic framework remains; all else, Sanctuary, Vestry, Chapel, pacing, balcony grilles to the upper windows, gallery and so on, has had to be visualised, designed and co-related to everything else. The East fresco takes its place in all this, as the central feature.

35. On 26 April 1951, the church was rededicated by the Bishop of Southwark (Bertram Simpson) at a service attended by both Princess Elizabeth (the current Queen) and the Archbishop of Canterbury (Geoffrey Fisher). A photograph of the occasion shows the pulpit and lectern pushed to the sides of the church.

36. On 19 October 1951, the church was listed, Grade II*¹⁸. The description was as follows:

1823 – 4 by Francis Bedford. Simple Greek revival building of 2 storeys. Five-bay front has massive pedimented Doric portico with square tower above. Clock in lowest stage, bell-openings in Ionic order above, then an open stage crowned by obelisk. Antefixae at all angles of tower. Main block of stock brick; tower and entablature of sandstone; columns of Portland stone. First floor cill band on which rest windows with small leaded glazing in simple moulded architraves. Below these, double doors in similar architraves. Six bay returns with similar windows above; short, segment-headed ones below.

37. In 1981, single storey extensions were provided to the north and south of the church towards the west end. These were to designs by Thomas Ford and Partners and improved access to the crypt.

38. In March 1981 the description of St John's in the statutory list was revised:

Parish church. 1823-4 by Francis Bedford. One of 4 churches in Lambeth in Greek revival style, damaged in 2nd World War and with Festival of Britain interior of 1951 by T F Ford. Body of church of stock brick with sandstone dressings and spire and columns to portico in Portland stone. Nave and chancel combined with pedimented portico at west end with 3 tier tower ending in obelisk. West front of 2 storeys: 5 bays. 1st floor windows have square paterae to surrounds and C20 metal panes. Ground floor has 5 doors with 6 panelled doors in similar surrounds. Massive stone

¹⁷ Letter to the Bishop of Kingston, 21 September 1950.

¹⁸ The legal basis for listing buildings of architectural and historic interest is explained at paragraph 95 below.

*pediment with frieze with 11 wreaths and 6 massive Portland stone columns. Square tower of 3 diminishing stages above, clock to lowest stage, round-headed louvered bell openings in Ionic Order above with antefixae at corners, then open Doric stage with antefixae at corners with plinth surmounted by obelisk with ball finial and copper cross and plinth containing anthemion design panels and antefixae. Sides continue frieze with wreaths. 1st floor has 6 sashes with C20 small pane metal casements. Cambered windows to ground floor. Deep stone plinth. C20 yellow brick pavilions with stone pediments attached to each side. East end has pediment with circular window. Central tall east window flanked by 2 bricks. Underneath are a central rectangular blank and 2 cambered windows. Internally of the 1823-4 phase remain the west gallery on 4 Doric columns (before the war damage the gallery was on 3 sides) the mahogany organ case of 1824 by J C Bishop, clock and 5 rows of pews in the organ gallery. The 2 curved stone staircases in the west pediment survive. The font is an elaborate C18 marble non-shaped example with putti forming handles and gadrooned font cover. The reredos contains remains of the original marble altarpiece. **The rest of the interior was remodelled by T F Ford in 1951 to form the church for the Festival of Britain in a Neo-Georgian Style employing an anthemion motif similar to the original interior. Ceiling of 5 panels with water-lily paterae. Anthemion frieze to cornice with pilasters. Side windows have balconettes. Vestry and S.E. chapel have curved corners and anthemion motif. 2 unusual 2 decker pulpits with flat canopy and curved steps. The most striking fittings of 1951 are the altar painting (Adoration of the Shepherds) and panel over east window (crucifixion) by Hans Fielbusch** (emphasis supplied).*

39. In the 1990s the works benefited from public funding for works of repair and restoration. In 1992/3 a grant of £100,000 (55% of eligible costs) was awarded by English Heritage for major repairs and cleaning the west end of the church. In 1993, £17,000 (25% of eligible costs) was awarded by English Heritage for re-instatement of the railings and gates. In 1996, £229,348 (80% of eligible costs) was awarded for works to re-roof the church, repair the north, south and west elevations and restore the mosaic script¹⁹.
40. In 1996, the Parish applied to the National Heritage Memorial Fund for a grant. This was for restoration of the 1951 Festival of Britain interior and for improving visitor facilities. The Fund made a grant of £217,600 towards costs of £279,437.
41. £57,500 was the cost of providing WCs and a ramp to the vestry, burglar and fire protection and the provision of a new external ramp. The balance included the provision of a new steel frame for the bells and there may have been other works which were not redecoration and refurbishment of the interior, but it is clear that a substantial proportion of the works were appropriately so described.
42. To qualify for a grant, a church had to be assessed as outstanding. It was reported to the Fund by the English Heritage Cathedrals and Churches Advisory Committee that the church was outstanding on the grounds
 -) of its architecture – both the original fabric (the best preserved of Bedford’s classical churches) and the 1950 – 1 restoration programme undertaken to make it the Festival of Britain Church;
 -) of its location.

¹⁹ The mosaic script is external to the church and I think post-dates Bedford. It is not mentioned in the listing.

43. The project architects described the completed work in *Church Building* (November 1988) as follows:

The task of restoring and conserving the interior was essentially one of faithfully restoring Thomas Ford's 1951 restoration²⁰.

44. The then Vicar (Revd Richard Truss) was recorded in *Church Building* as saying:

This is a time of great rejoicing, but also for anticipation. We want this building to be open, to be used for prayer, worship, but also for music and meetings, lectures and conferences, but primarily as a place for the people of this area, both those who live here and those who work here and also those who are simply passing through.

45. Very shortly after the restoration, the PCC accepted an offer from David Morris, to supply two further murals to the church to be positioned one each side of the Feibusch mural of the Crucifixion. They were initially installed without a faculty. On being consulted about them, English Heritage responded:

The recently restored interior of this church is a fine piece of work in its own right and reflects the austerity of the architecture of the exterior of the building. The painting on the east wall of the sanctuary by Hans Feibusch provides a significant visual focus to this area and indeed, to the whole of the worship space. In my view, the two murals tend to blur this focus. Having said this, however, they are very competent works of art in their own right and have particular local poignance drawing as they do on themes appropriate to the Waterloo area. I can see, therefore, that they may have an important role to play in the ministry of this particular church.

From an historic buildings point of view, therefore, whilst I would rather they had not been installed, they are works of genuine quality and, were it not for the existence of Feibusch's work, I would have no objection to their retention. In any event, I do not believe that they have an adverse effect upon the building's special interest.

46. On 7 November 2010, the then Archdeacon of Lambeth gave permission under for temporary minor re-ordering under rule 9 of the Faculty Jurisdiction Rules 2000²¹, namely

Temporary movement of the two pulpits to the respective sides of the church to enlarge the available space and allow consideration of longer term re-ordering of the liturgical furniture.

47. The Archdeacon's licence expired on 6 February 2012.

48. Although this was not a matter included in the licence, castors were attached to the pulpit and lectern at this time to facilitate moving them.

49. In 2011 the Vicar (Canon Goddard) and churchwarden sought a faculty for

The retention for a further five years of the two 20th century pulpits in a location previously authorised by temporary re-ordering certificate.

50. The justification for moving the pulpits was explained by Canon Goddard as follows:

²⁰ The Statement of Significance (April 2015) identified a statement in an old church guidebook that the aim was *to restore the interior to its 1951 appearance as far as possible.*

²¹ The equivalent provision under the 2015 Rules is still rule 9.

Liturgical: The pulpits are not in use and are large. The formal worship of St John's focuses on the area in front of the High Altar for the liturgy of the Word, and on the High Altar for the liturgy of the Sacrament. A legilium is used for the reading of the scriptures, for preaching, and for the intercessions. The presence of the pulpits meant that the focus on the centre of the church was diffused, and they reduced the flexibility of the space. They also created a barrier between the congregation and the High Altar, which made it harder for the congregation to be engaged in the liturgy of the Sacrament.

Aesthetic: the pulpits had a disproportionate effect on the church. Originally, there were balconies down both sides of the building. These were not replaced following the bombing of the church in 1941. I assume that the renovation scheme by Thomas Ford and Partners was intended to provide a memory of the balconies. However, the pulpits divided a space which should have been a unity into a series of smaller areas, and reduced the effectiveness of the whole room. What is already a difficult area to use was made even more difficult through the presence of the unused pulpits.

Practical: The church is used for a very wide range of activities from conferences to concerts to tea dances. Orchestras, in particular, found the space extremely unhelpful to work with because of the pulpits. It was necessary to divide the string sections, which put some instruments out of clear contact with the rest of the orchestra, and pushed the audiences further back into the body of the church.

In summary, the pulpits were providing no useful purpose and were having a disproportionately negative effect on the space.

The effect of moving them has been remarkable. They are now placed more subtly on either side of the building where they complement the side chapels and in fact strengthen the West-East axis of the space. Liturgically the unity of the area has enabled the congregation to be more effectively engaged in our worship. It seems that the space has improved acoustically. Orchestras and other users are delighted by the increased flexibility.

51. The DAC recommended the proposals in a certificate dated 16 September 2011. It also considered that the works would not affect the character of the church as a building of special architectural or historic interest. Nonetheless I did require English Heritage, Lambeth LBC and the Georgian Group to be consulted (I am afraid that I overlooked the potential significance of the pulpit and lectern to the Twentieth Century Society.). Only Lambeth LBC responded; it had no objection. On 25 October 2012 a faculty issued authorising the retention of the pulpits for the five year period sought and imposing a condition that at the end of that period they were to be returned to their former position unless a further order of the Court provided otherwise.
52. The current proposals have had a gestation period of about six years. A small group has been directly responsible for development of the project but it has kept the PCC fully informed. Mr Mark Ormerod, Secretary to the PCC, tells me that the PCC has been particularly involved in shaping and approving the Statement of Need, ensuring that both the congregation and the local community were able to comment both on what they saw as the shortcomings of the present arrangements and how they would like to see the building developed. The PCC is very mindful both of its responsibility as guardian of such an important historic building in Central London as well as its responsibility to develop the Church's mission to parishioners in the wider community.

53. In support of development of the project, the PCC have allocated about £10,000 per year to support the design process over the last few years. Members of the congregation have made gifts and loans amounting to £75,000.

Thomas Ford and Hans Feibusch

54. Thomas Ford (1891 – 1971) set up an architectural practice in 1924. Based in Finsbury Square, he gained a reputation as an ecclesiastical architect. In Southwark, he designed an enlargement to All Saints'. New Eltham (1930 - 31) and St Michael, East Wickham (1932 – 33). He was appointed War Damage Surveyor to Diocese of Southwark and it was in this role that he was responsible for the restoration of St John's, Waterloo. Other churches in the Diocese for whose restoration he was responsible after war damage included St Mark, Kennington, St George, Borough High Street and St Nicholas, Plumstead.
55. Hans Feibusch (1898 – 1998) was born in Frankfurt in 1898. He trained as an artist and pursued an artistic career in Germany, but he was Jewish²² and emigrated to England in 1933. In England achieved distinction as an artist of murals. His first commission was a mural of Christ washing the feet of his disciples in a new Methodist Church in Colliers Wood and commissions in the Diocese of Chichester followed. In 1946 he wrote *Mural Painting*, explaining his art and pointing out the opportunities that arose for its exercise with the new building following the war.
56. It seems that Ford and Feibusch were introduced to each other by Sir Hugh Casson, the Director of Architecture for the Festival of Britain. St John's, Waterloo was their first collaboration. Thereafter they worked together on the following churches in the Diocese of Southwark: All Saints', Plumstead; Christ Church, Battersea; Holy Trinity, Rotherhithe²³; St Barnabas, Eltham; St Crispin, Southwark Park Road (now redundant)²⁴; St James, Merton; and St Mary the Virgin, Welling.

Statement of Significance and Statement of Need

57. Rule 4.3 of the Faculty Jurisdiction Rules provides that in respect of proposals involving the making of changes to a listed church, the petitioners must prepare a Statement of Significance and a Statement of Need:

(1) Where proposals involve making changes to a listed church or other listed building intending applicants must provide the Diocesan Advisory Committee with—

(a) a document which describes—

(i) the significance of the church or other building in terms of its special architectural and historic interest (including any contribution made by its setting) and

(ii) any significant features of artistic or archaeological interest that the church or other building has

so as to enable the potential impact of the proposals on its significance, and on any such features, to be understood (a "statement of significance"); and

(b) a document setting out the justification for the proposals (commonly known as a "statement of needs").

(2) If proposals are likely to result in harm to the significance of the church or other building as a building of special architectural or historic interest, the document

²² He was to be baptised and confirmed into the Church of England but returned to the Jewish faith before his death.

²³ Feibusch's last mural (1960).

²⁴ The only church designed by Ford which is listed.

setting out the justification for the proposals must set out the basis on which it is said that the proposals would result in public benefit that outweighs that harm.

58. Although the Statement of Need can only come into being in relation to specific proposals, a Statement of Significance may be prepared even though no proposals for change are current. By reference to its power under section 55 (1) (d) to *promote ... by means of guidance ... standards of good practice in relation to the use, care, conservation, repair, planning, design and development of churches*, the Church Building Council has issued a *Guidance Note* (2014) on Statements of Significance and Statement of Needs. It encourages the preparation of a Statement of Significance in advance of any specific proposals for change:

A Statement of Significance is an important tool to help everyone understand the significance of a church building and its fabric and fittings. It is a useful resource for anyone with responsibility for your church's fabric and encourages good stewardship of your heritage building. It should be prepared independently of any faculty application, and ideally reviewed annually ...

59. This said, the template provided contains a Section 3 which involves *Assessment of the impact of the proposals on the significance*. There is nothing in rule 4.3 which requires this and of course it could not be completed in the absence of any proposals for change. Guidance as to the completion of section 3 is given as follows:

Section 3 will be prepared in draft form for any pre-application consultations, and finalised to accompany a faculty application when a scheme has been worked up. This should not be a justification of your scheme, which should be in the Statement of need. The level of detail provided should be proportionate to the importance of the heritage asset and sufficient to understand the impact of the proposal on the significance of the heritage asset.

Identify the parts of the church and/or churchyard which will be directly or indirectly affected by your proposal. Describe and assess the impact of your proposal on those parts and on the whole. Impacts could include loss, alteration, obscuring, change of setting and change of use. Characterise impacts as either low, moderate or high.

Explain how you intend, where possible, to mitigate the impact of the proposed works on the significance of the parts affected and the whole.

60. Going back to the assessment of significance, the Guidance provides as follows:

In assessing significance you may wish to use the following customary terminology:

-) High – important at national to international levels*
-) Moderate-high – important at regional or sometimes higher*
-) Moderate – usually of local value but of regional significance for group or other value (e.g. vernacular architecture)*
-) Low – adds little or nothing to the value of the site or detracts from it.*

61. Neither the Rules nor the CBC guidance require a Statement of Significance to indentify the architectural significance of the building separately from the historic significance.

Statement of Significance

62. The Statement of Significance (April 2015) considers a number of aspects of the significance of the building and the site on which it is built. The proposals with which I am concerned do not affect the setting of the building, so I need not refer to that part of the Statement.

63. The Statement contains an overall assessment of the church, as follows:

St John's Church, Waterloo, is listed at Grade II and as such is in the highest 8% of the total of listed buildings in England. There are two distinct periods of interest; the 1820s Commissioners' Church and the rebuilding and restoration for the 1951 Festival of Britain.*

Bedford's tower, portico and entrance survive as intended, and include the pair of early-nineteenth century cantilevered staircases. The internal survivals at Waterloo are in contrast to those of Bedford's other Commissioners' Churches in Camberwell, West Norwood and Newington.

The significance of Ford's 1950-51 interior does not simply rest with his architectural achievements, and there is much in the design which is evidently a compromise. However, the high historic significance is evident from the fact that Ford's interior is a survival from the 1951 Festival of Britain, a key moment in the country's immediate post-war era.

64. The overall significance of the church was assessed as high.

65. It then considers individual aspects of the building under the following headings:

-) the 1820s building;
-) the 1951 Festival of Britain Church
-) post-1951 Works

66. The material under the first heading can be summarised as follows:

-) The 1820s external walls; tower; forecourt walls
Significance: high
-) 1820s entrance; portico; stone staircases in west pediment; stairs to crypt
Significance: high
-) 1820s crypt
Significance: high

-) The organ; the font; the 1820s clock mechanism; surviving pews; later nineteenth century donors' board
Significance: high

67. The material under the second heading can be summarised as follows:

-) Festival of Britain Church; Thomas Ford's interior
Significance: high
-) Festival of Britain Church: Thomas Ford altar and candlesticks
Significance: high
-) Festival of Britain Church: Thomas Ford pulpit and lectern
Significance: moderate-high
-) Festival of Britain Church: Hans Feibusch murals
Significance: high

68. The material under the third heading can be summarised as follows:

-) Two single storey additions
Significance: low
-) David Morris murals:
Significance: low

69. The explanation for giving the pulpit and lectern a moderate-high rating was as follows:

The pulpit and lectern were also part of Ford's 1951 scheme. Certainly not as striking as the altar and candlesticks, the pulpit and lectern were integral to the church's role in the Festival of Britain; however, they have been moved to the sides and recently altered through the addition of wheels.

The reason for giving the David Morris murals a low rating was because:

These murals significantly detract from the Feibusch murals and the Ford interior.

70. When the Statement of Significance came to assess the harm that would arise to the 1951 Festival of Britain interior from the proposals it did so not with reference to the four items identified above but to the following seven items:

-) Restoration of Feibusch's Crucifixion
-) Conservation advice on Feibusch's Adoration of the Shepherds

-) Removal of the vestibule with the Festival of Britain inscription; replacement with glazed screen
-) Ford's east end; loss of redundant communion rails; loss of vestry and Lady Chapel; alteration to the sanctuary steps
-) Removal of the Ford pulpit and lectern
-) Replacement of 1990s ceiling fabric with no visual change and insertion of roof light over the altar
-) New colour scheme

71. The significance of all these items was assessed as High, except the pulpit and lectern which was assessed as Moderate-High (reflecting the conclusion earlier in the Statement) and the ceiling which was assessed as moderate. The significance of the proposals upon these seven items together with the benefit/design mitigation which was incorporated was as follows:

-) Restoration of Feibusch's Crucifixion *Benefit - restoration and conservation of the mural*
-) Conservation advice on Feibusch's Adoration of the Shepherds *Benefit – identifies any necessary conservation work*
-) Removal of the vestibule with the Festival of Britain inscription; replacement with glazed screen *Less than substantial harm – the inscription will be re-instated within the church. Bedford's original visual link with the outside will be re-instated*
-) Ford's east end; loss of redundant communion rails; loss of vestry and Lady Chapel; alteration to the sanctuary steps *Less than substantial harm – the scheme retains the altar and candlesticks. These are the centrepiece of Ford's 1951 scheme, together with the Feibusch murals. The new galleries will provide a new focus towards the east end*
-) Removal of the Ford pulpit and lectern *Less than substantial harm – the pulpit and lectern are liturgically redundant. They will become visually redundant with the new galleries. A suitable new owner will need to be found.*
-) Replacement of 1990s ceiling fabric with no visual change and insertion of roof light over the altar *Benefit – existing fabric needs replacing; insertion of acoustic materials*
-) New colour scheme *Less than substantial harm – Ford's ceiling decoration will be retained. Paint scheme is reversible.*

72. The assessment of the overall impact was as follows:

The impact on the fabric ranges from substantial harm to less than substantial harm. There are also a significant number of benefits to the church fabric. These are the restoration of Bedford's crypt, the conservation of Feibusch's Crucifixion, conservation advice on Feibusch's Adoration of the Shepherds, the replacement/restoration of the ceiling fabric, and the replacement of the post-war studio glass.

73. More specifically, the assessment of the effect on the 1951 interior was as follows:

The proposals will see the entrance opened up, the removal of the pulpit and lectern, Vestry and Lady Chapel, and alteration to the sanctuary steps. However, the proposals keep the finest and most important elements of Ford's interior.

Primarily, the altar table and candlesticks will be retained. Together with the two Feibusch murals, the east end ensemble is the centrepiece of the Festival of Britain interior scheme. The main Feibusch mural will be restored, while conservation advice is being sought on the second Feibusch mural. With the restoration of Feibusch's Crucifixion, the redecoration of the reredos, and the retention of Ford's superb altar and candlesticks, it will be possible to appreciate the east end of the church much as it would have been in 1951. The proposals celebrate the Ford and Feibusch partnership which began at Waterloo.

The Eric Parry proposals also retain other key parts of Ford's interior. The Juliet balconies, the ceiling decoration, the chandeliers, and the flooring, will all remain. The words on the re-dedication board will also not be forgotten, and these will be reproduced to remind all those who visit the church of the building's remarkable heritage.

74. An amended version of the Statement of Significance was issued in July 2016. It addressed for the first time the provision of natural light from the east end (removal of ceiling decoration above altar at east end) (neutral impact) and replacement of post-war glazing (beneficial impact)²⁵. The thrust of the overall assessment is the same: *the proposals keep the finest and most important elements of Ford's interior.*

Statement of Need

75. The Statement of Need begins by stressing the inter-relationship between the use of the building for worship and for the purposes of the wider community:

We know that we have a mission to make God's Word alive in Waterloo. This means that we have a responsibility to provide the best possible facilities in the most beautiful possible building, in order that our liturgy is as good as it can possibly be. But it doesn't stop with liturgy. Our mission is to serve the people of this parish and London more generally, and the other uses of the building are as important as the liturgy which is at our heart.

²⁵ I think that the proposals as regards these two matters may not have been finalised at the time of the original Statement of Significance.

*The church was rebuilt in 1951 for the Festival of Britain with the specific intention of offering both a place of worship and a place for the nation's arts and creativity to be celebrated. Throughout the Festival, choirs visited from all over the country, and there were performances every day. This tradition has continued since. **It is important that the DAC and the Chancellor understand that for us, worship and the wider uses of the building are co-inherent.** (emphasis in original).*

76. Next, the Statement of Needs identifies the following deficiencies in the building as it is currently configured:

1. **Poor space for worship.** *Our worship space has little feeling of sacredness and a lack of liturgical focus. We are often told, in various ways, that it feels jumbled, chaotic, and “barn-like”. Clergy have noticed that when they preside – fully amplified – it feels as though 30% of their liturgical energy is absorbed by the large, unfocused space. The Thomas Ford refurbishment is remarkable in many ways. But it was compromised in 1950 by the decision not to reinstate the galleries, and the current design suffers as a result of that decision.*
2. **The High Altar,** *in its original position, is too far from the congregation to be useable on Sundays, and so it has been pushed back against the wall, and an unattractive nave altar is used instead. The very large pulpit and lectern were, to our knowledge, never used and block the space, and so a temporary faculty was obtained in 2009 to move them to the sides of the church. Several features of Thomas Ford's original conception have therefore already been compromised, and the effect of our proposals is to bring some of the crucial parts – the altar and candlesticks – back into use in worship.*
3. **Little clear Christian message for the casual visitor.** *Despite the church's very central location and high footfall, its current ordering offers no clear message to the casual visitor about a living Christian faith. Our font has been moved 3 times within the last 15 years, and is currently in an odd, “floating” space under the gallery, with no focus; similarly, our heavily-used prayer board and candle stand have no feeling of permanence or importance, no seating, and are often obscured by moveable furniture. Also, because of the lack of galleries, the building lacks focus.*
4. **Flexibility:** *The Lady Chapel is too small for the congregation at the 9 a.m. service, which is around 15 and growing steadily, but there is no more intimate but larger space which can be used for worship for between 15 and 30 people. The proposals would enable a more intimate area to be created when necessary, using the Thomas Ford Altar as the focus.*
5. **Poor acoustics.** *Our acoustics are very poor both for the spoken word and for music. The reverberation time is around 2.4 seconds. The ideal time for spoken word is 1.5 seconds and for music, 1.8 seconds. But the acoustic is paradoxically also dry and unhelpful for congregational singing and for orchestral playing. We are also very aware of “dead spots” within our usual seating area. Even with a fully amplified sound system, we still receive very frequent comments about acoustical problems.*

6. **No light at east end.** *There is, oddly, no admission of natural light at the east end – after the war the plans to replace the east window were, at the last minute, scrapped, and it was instead replaced by the Hans Feibusch crucifixion. It is a remarkable picture in a remarkable space, but we would like to bring light in at the East end as a sign of resurrection to complete the Christian narrative.*

7. **Uninviting entrance(s).** *From the outside the building appears austere and forbidding – a problem accentuated by its historic railings, but which we have striven to overcome by moveable signage and more animation of the forecourt, especially by food concessions. From the front door the entrance sequence unfortunately remains unwelcoming and confusing. People coming in are faced by a blank wall when they should be welcomed into an open space. We are frequently told that people have walked by the building for years but never even thought to wonder what was inside.*

8. **No single entrance.** *We currently have six tenants in the crypt, all of whom serve the community and are our partners in mission. We have entirely separate (and confusing) entrances for the church and crypt, which detracts from our sense of shared mission and from the perception of our crypt partners' work – subsidised by the parish – as part of our Christian ministry.*

9. **Confusing circulation.** *At present, if we greet a person standing in the church who wants to go to any of the spaces in the crypt, the path is so circuitous that it can't be described – we have to physically take them. On Sunday mornings, to take a child from the main service to the Godly Play Room in the crypt requires going through FIVE sets of self-closing double doors (two locked), each with multiple exits – which makes us look secretive to parents and intimidating to children. The architect's proposals include plans of current and proposed circulation, demonstrating present confusion and proposed clarity.*

10. **Confusion of spaces.** *The toilets are currently located in the vestry – or rather, the toilets double as a vestry – to the left of the Sanctuary. During services, people often access the facilities, which can be very off-putting to other worshippers. Also the servery is located in the body of the church, under the balcony but without separation, which makes the space less special than it could be.*

11. **Lack of Disability Access.** *St John's is a member of Inclusive Church, and we are deeply committed to its ideals. It is therefore a profound concern to us that we are not, even at minimum, compliant with the Equality Act; our ground floor is barely accessible, and our other three floors entirely inaccessible. The inclusion of a lift is essential in order for the building to meet current standards. The proposed replacement of the staircase is in part to enable the provision of a lift to all floors.*

12. **Lack of activity space.** *We currently lack enough space to offer all that we would like to the community. We turn down 100 bookings a year. At the same time, we note that our overall space is poorly used, with much of it simply functioning as dead storage; and we have increasing needs for space both for our own activities and for those of our partners in The Bridge at Waterloo – the main vehicle through which we link with*

and serve the community – particularly a good space for large meetings for 100-150 people.

13. ***Our building needs to pay for itself.*** *The ground floor is currently in liturgical (or other parish) use approximately 8 hours per week, including daily prayer and our Sunday services. St John's is very conscious that our mission is to serve the people of the parish and London more widely both through worship and through offering a beautiful and inclusive space for all. To do that we need to make the space both more beautiful and more functional.*

The church is always open on weekdays from 10 am to 6 pm, and on Saturdays from 10 am to 12 pm; it is staffed by rota of 5 paid staff members. Ideally we would like the church to be open for longer than this, particularly over rush hour and through the weekend. It costs about £3,000 per month to keep the church open, even for the current schedule. [This] represents a considerable financial burden on the parish, most of which comes from rental and lettings income. We are looking to ensure, as we remodel, that we create new spaces that can maximise our commercial income to support our mission.

Some views

77. A contemporary architectural critique is provided by the *Church Times* (27 April 1951). It stated:

NO SIDE GALLERIES

The architect in charge of the restoration (Mr Thomas F Ford) had two major problems. When the side galleries were removed, the organ gallery (which accommodates the choir) remained at the west end. The east-west axis of the church was thus practically destroyed. It was no longer easy to focus attention on the altar. So Mr Ford considerably enlarged, and entirely rebuilt, two vestries on either side of the sanctuary, which was thus reduced to its proper proportions. One of the vestries has been furnished as a Lady Chapel where there is an aumbry for the Reserved Sacrament.

The blocked-in east window is now occupied by Mr Hans Feibusch's mural of Calvary. This is a striking composition in modernist idiom. It may appeal to some tastes. Others are likely to find its crude realism a hindrance to devotion. In its final form it produces a much harsher effect than the quiet dignity of the artist's preliminary sketch.

A few feet in front of the sanctuary, on either side of the nave, Mr Ford has put a pair of pulpits of unusual and striking design. One is to be used for preaching, the other as a lectern. The centre alleyway is far wider than usual, and there is good space for the aisles.

CARE ABOUT COLOUR

The remaining details, in the restrained Grecian style of the period, are as before. But the whole building has received fresh colours. Green, white, fawn and gold are predominant. The floor is green. It is a skilful, most attractive colour-scheme.

...

The effect of the restoration as a whole is most pleasing. Waterloo Road now has a magnificent building for its parish church.

78. In *Old London Churches* (1956) Elizabeth and Wayland Young wrote:

In 1924 Sir Ninian Comper put a gigantic Corinthian baldachin over the altar, and in 1940 all was gutted by a bomb. A rather hysterical inscription in the church records how it was repaired and redecorated in 1951 in connexion with the Festival of that year, which took place just across the road. The architect was Thomas Ford. Adapting certain Bedfordian motifs and strewing in particular little gilt angels whose upturned wings feign honeysuckle acroteria, he did up the inside gaily in white and gold. But his arrangement suffers from the fact that he is visibly trying to spread over a large church furniture which is suitable for a small congregation. Only the west gallery is kept of the three there used to be; it is painted white. Twin ambos, entirely isolated on the floor, are cheerfully canopied and adorned, but have a small, unanchored look. The altar-piece is strictly Bedfordian, the altar entirely new. The organ is rebuilt like the old one, but gayer, and the eighteenth-century Italian font, brought by the first incumbent, remains. The painted crucifixion over the altar is a little blurred and washy to go with the precision and lightness all round.

79. The authors ascribe the church to both Francis Bedford and Thomas Ford²⁶.

80. In 1991, an Editorial in the *Architects Journal* noted the appeal then being launched for the restoration of St John's:

The AJ has, very reasonably, paid a good deal of attention to the Festival of Britain, which was held 40 years ago this year.

...

[St John's, Waterloo Road] was gutted by fire bombs in 1940 and was reconstructed in 1951 to form 'the spiritual centre for the Festival of Britain, a place of worship and a venue for concerts and musical events'.

Some of the original ne-Greek interior fittings were repaired and others reproduced but much of the interior was, under the control of Thomas Ford, created in the spirit and form of the festival, including murals by Hans Feibusch.

The church now needs more than £1 million spent on its fabric and fittings to keep it in operation. An appeal has been launched which, I trust, will attract donations from all those who remember the festival with pleasure or who admire its aims; indeed, what better way could there be of commemorating the festival of forty years on than by helping with the repair of its church.

²⁶

I came across the consideration of St John's, Waterloo in *Old London Churches* after the conclusion of the hearing. I am not aware that either of the co-authors had any architectural qualifications but Wayland Young (Lord Kennet) was to be a minister with responsibilities for the environment in future governments.

81. To mark the fiftieth anniversary of the Festival of Britain, in 2001 the Twentieth Century Society published a book of essays: *Festival of Britain*. It was edited by Elain Harwood and Alan Powers²⁷. It contained an essay entitled *The South Bank Site* by Gavin Stamp, the distinguished architectural critic. In it, he explained that

... [St John's] played a part in the Festival although it lay beyond the colourful screen walls enclosing the South Bank Exhibition ... The interior was enhanced by Ninian Comper in 1924 but the interior was badly damaged in 1940. After a decade of standing open to the sky, it was restored by that dreary architect, Thomas F Ford, as The Festival Church.

82. Although this is not a direct comment on Ford's restoration, if Mr Stamp had thought that his work at St John's, Waterloo was not the reflection of the work of a dreary architect and reflecting that dreariness, he would have said so.

83. However, Mr Stamp has now recanted. In a statement that the Twentieth Century Society produced to the Court, he says:

*There **are** some dreary or, rather, thin and etiolated Thomas Ford churches eg the chapel on the site of All Hallows, Southwark (he got far too many post-war rebuilding jobs). But the more I see of the firm's Classical work of the 1950s, the more impressed I am by them. I know the Waterloo church well and am impressed: it seems to me a clever and appropriately modern exercise in Neo-Regency. And I have no doubt it was Ford at his best as it was special: the Festival Church.*

My opinion has changed since 2001, with further knowledge and experience (emphasis in the original).

84. In the Foreword to *Neo-Georgian Architecture 1880 – 1970; a reappraisal* (2016)²⁸, Louise Campbell²⁹ wrote:

The 1940s and 1950s brought a new phase of interest in the Regency, this time as a style with affinities to the delicate modernism of the Festival of Britain. At St John Waterloo, a church of 1822-24 which was badly bombed during the Blitz, Thomas Ford, the architect to the diocese of Southwark, undertook a restoration in a simplified Regency mode; the work was completed in time for the church to serve as the Festival church in 1951. Ford regarded Regency architecture as a pre-eminently urban style, with the additional advantage of being inexpensive, and employed it in his post-war work for the diocese.

Letters of support

85. The Petitioners submitted to me a number of letters which support the project.
86. There is a letter from Baroness Wheeler of Blackfriars. Baroness Wheeler is Chair of the Blackfriars Settlement, a local multi service provider of older and young people's local services and providing mental health and education and education and training support. She says

²⁷ As will be seen, Dr Powers gave evidence at the hearing on behalf of the Twentieth Century Society.

²⁸ Published by Historic England.

²⁹ Professor of the History of Art at Warwick University.

The project has the full support and enthusiasm of the local community. It would ensure full use of St John's key position at the heart of the South Bank's national cultural institutions to help young people, through the arts, to develop their confidence, design, artistic and social skills...

The re-development of the church and upgrading and adapting the building to meet the needs of the 21st century community – church members and local community – is crucial to taking the Bridge at Waterloo project forward. The Church needs to be redeveloped to provide up-to-date performance, training and community facilities; it cannot meet the community's needs in its present form and I firmly believe that the building changes proposed would help it develop its rightful role as one of the major London central churches, particularly in the context of the huge redevelopment across Waterloo and the South Bank.

87. There is a letter from Baroness Andrews OBE who is a Patron of the Churches Conservation Trust and a former Chair of English Heritage (2009 – 2013). Writing to Canon Goddard, she said:

...I know ... that there are many difficulties which make it virtually impossible to use the space as well as it might be used, and to provide for celebration, inspirations and skills and support as inclusively or as effectively as is needed. The space is vast and, frankly, daunting. It does not lend itself easily to the needs of the congregation or the community. The acoustic is poor. These difficulties of engagement are all the more frustrating when there are such massive needs and opportunities crowding on the doorstep – literally – and so many people for whom the church is the only safe space and solution – whether that is in terms of aspiring musicians, or local young people in dire need of motivation, confidence, new skills and, ultimately, sustainable jobs.

88. There is a letter from Sue Foster, Strategic Director, Neighbourhoods and Growth. She explains that Lambeth LBC support the activities that take place at St John's. They align well with its Borough Plan objective to reduce inequality and provide opportunities for some of its most vulnerable residents. The Council has allocated £47,000 of funding under section 106 agreements³⁰ towards the capital costs of the proposed internal partitions and glazed screen in order to support the ongoing delivery of diverse employment, training and community activities.

89. There is a letter from James Murphy, Managing Director of the Southbank Sinfonia. I think that it is important to quote Mr Murphy's letter almost in full:

One of the great joys of St John's Waterloo is that it can proudly say – unlike almost any other church in London – that it boasts its own resident orchestra. Matching the church's ethos for helping others fulfil their potential, Southbank Sinfonia gives young musicians a much-needed springboard into the profession, at a moment in their lives when many can lose their way and give up on all they have invested so far. Consequently, the church is filled every week with music-making, giving the congregation and wider community great pleasure, and making St John's a unique destination to many from further afield.

We are grateful to call the church our home but, in its current state, the building drastically limits the scope of what the young musicians can achieve. It is widely recognised to have unsatisfactory acoustics, making it very hard for the players to hear each other, and limiting the number of people inclined to come and enjoy the

³⁰ I.e section 106 of the Town and Country Planning Act 1990.

music they make. Last year, the Royal Opera's celebrated Music Director Sir Antonio Pappano, collaborating with the orchestra for the first time, confirmed that the current acoustic holds back the players' potential, and must be directly addressed. Indeed, not only Southbank Sinfonia suffers here. For decades, the church has been a treasured haven for orchestras, ensembles and choirs both amateur and professional – it is known that even Mendelssohn performed here – and continues to attract a remarkable diversity of musicians, all of whose efforts are compromised in this way. This equally applies to the liturgical music-making here, St John's being blessed with a particularly musical and music-loving congregation, who equally deserve better environs for their endeavours.

We know from a number of expert acousticians that this is easily remedied through sensitive and discreet reshaping of the nave, especially re-angling the walls of the current vestry and chapel to mix the sound and reflect it back towards the orchestra, and indeed the audience, to improve audibility. If we can get this fixed, it guarantees that St John's will attract a higher calibre of musician to work with the orchestra and perform here in their own right, and the church's profile will soar commensurately. Equally, we know the current acoustic shortfall deters BBC Radio 3 from coming to record here, though they would be willing to do so if such improvements were fulfilled.

The current configuration of steps leading to the altar also makes orchestral performance difficult, placing unnatural levels between musicians who need to be proximate. The proposed renovations seek to remedy this whilst wholly retaining the necessary sanctity of the altar space.

The newly configured entrance will also bring far greater transparency, access and circulation, revealing the youth and creativity at work within the church, and drawing members of the public to come in at any time during rehearsals and see what happens: an inspirational opportunity that no other London concert venue currently offers. Replacing the cumbersome chairs in the nave with a compact, stackable and lighter-framed equivalent will also enable us to welcome more people to enjoy the orchestra and all the music-making that occurs here, and lend the church far greater flexibility for all sorts of activities. Renovating the balconies will also enable us to welcome a larger audience to enjoy all we do here from a fresh vantage.”

90. There is a letter from Ben Stephenson, Chief Executive of WeAreWaterloo, the Business Improvement District (BID) for Waterloo. This exists to develop the right conditions for a thriving local economy. The BID supports the redevelopment of St John's, Waterloo as a space which enables the development of skills among young people.
91. There is a letter from the Revd Dr Godfrey Kaziro, Priest to Okusinza mu Luganda. He tells me that his congregation are very supportive of the proposed plans, particularly in the improvements to the worship space and its acoustics, and that they will benefit from the improved storage, catering and toilet facilities.
92. There is a letter from Nic Durston, Chief Executive of the South Bank Employers' Group. SBEG support St John's plans for redevelopment because they represent a very forward thinking ambition and vision for the role that the Church (and church) can play in one of London's most dynamic and creative neighbourhoods.
93. There is a letter from the Revd Jeffrey Risbridger, Assistant Curate at St John's. He explains that the High Altar is too distant from the people to be used, but using a small, portable altar

instead is insufficiently honouring to God. He also wholeheartedly supports the restoration of the balconies which will allow appropriate focus on the sanctuary and will assist the congregation.

94. There is a letter from Belinda Taylor, Churchwarden at St John's. She commend to me the new Lady Chapel (which she sees as a huge improvement over the present one) and the new oratory at the entrance to the church.

Law and Policy

The Planning (Listed Buildings and Conservation Areas) Act 1990

95. Section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the 1990 Act") provides that the Secretary of State shall compile lists of buildings of special architectural and historic interest or approve lists compiled by the Historic Buildings and Monuments Commission for England. In practice, he or she approves lists compiled by the Commission (now generally known as Historic England, and formerly known as English Heritage). Listed buildings are graded as follows:

-) Grade I: of exceptional interest
-) Grade II*: particularly important buildings of more than special interest
-) Grade II: of special interest, warranting every effort to preserve them.³¹

96. Of all listed buildings, those listed Grade I represent 2.5% and those listed Grade II* represent 5.5%. Guidance issued by Historic England about the terms of the description of the relevant building contained within the list, available on its website, is as follows:

The entry in the statutory list contains a description of each building to aid identification. This can be just a description of the building and its features, but more modern entries will set out a summary of the assessment of special interest in the building at the time of designation. However, descriptions are not a comprehensive or exclusive record of the special interest or significance of the building and the amount of information in the description varies considerably.

Any omission from the list description of a feature does not indicate that it is not of interest and advice should be sought from the local planning authority if there is any doubt in a particular case.

97. By virtue of sections 7 and 8 of the 1990 Act, it is necessary to obtain listed building consent from the relevant local planning authority before executing any works for the alteration of a listed building in a manner which would affect its character as a building of special architectural or historic interest. Section 16 (2) of the 1990 Act provides

In considering whether to grant listed building consent for any works the local planning authority ... shall have special regard to the desirability of preserving the

³¹ This explanation is taken from *Principles of Selection for Listed Buildings* (March 2010), published by the Department for Culture, Media and Sport but it is much older, going back at least as far as guidance published by the Department of the Environment in 1977 (Circular 23/77).

building or its setting or any features of special architectural or historic interest which it possesses.

98. However by virtue of section 60 of the 1990 Act, article 4 of the Ecclesiastical Exemption (Listed Buildings and Conservation Areas) Order 1994³² and Article 5 of the Ecclesiastical Exemption (Listed Buildings and Conservation Areas) Order 2010³³ the Secretary of State has exempted from listed building control ecclesiastical buildings for the time being used for ecclesiastical purposes which are within the faculty jurisdiction of the Church of England. This is the so called “ecclesiastical exemption”, and sections 7, 8 and 16 of the Act do not apply to churches subject to the faculty jurisdiction.

99. The ecclesiastical exemption was considered by the Court of Arches in *In re St Alkmund, Duffield*³⁴. In its judgment in that case, the Court adopted the submission of the amicus curiae that

the Church of England does not have the faculty jurisdiction in order to benefit from the ecclesiastical exemption; it only has the ecclesiastical exemption because the Government's understanding is that the faculty jurisdiction does, and will continue to, provide a system of control that meets the criteria set out in guidance issued by the relevant department of state in relation to the ecclesiastical exemption.

100. The Court set out the more pertinent of the passages of that guidance, contained in *The operation of the ecclesiastical exemption and related planning matters for places of worship in England* (July 2010) issued by the Department of Culture, Media and Sport. In paragraph 30, the Department stated:

The requirements for internal denominational consent procedures are set out in the Code of Practice at Annex A to this document. The essential requirement of such procedures is equivalence with secular listed building consent in terms of due process, rigour, consultation, openness, transparency and accountability. To remain within the ecclesiastical exemption, denominations will have to demonstrate that they are complying with the Code of Practice ...

101. The Court set out the following paragraphs of Annex A:

1. *All proposals for internal and external works to a listed church ... which would affect [its] character as a building of special historic, archaeological or artistic interest should be submitted for approval to a body or person independent of the local congregation or community proposing the works in question.*
2. *The decision-making body, when considering proposals for works, should be under a specific duty to take into account, **along with other factors**, the desirability of preserving ecclesiastical listed buildings, the importance of protecting features of special historic, archaeological, architectural or artistic interest and any impact on the setting of the church.*

³² SI 1994 No 1771.

³³ SI 2010 No 1176.

³⁴ [2013] Fam 158.

...

3. *The decision-making process should make provision for ... (ii) the formal notification of proposals to the local planning authority, English Heritage and the national amenity societies after a complete application has been made to the denomination, together with supporting information, at as early a point in the consent process as possible, allowing them (except in case of emergency) 28 days in which to comment on the proposed works. Any representations made by those bodies or any other person in relation to such proposals should be taken into account before the decision on works is made.*

...

4. *There should be a clear and fair procedure for settling all disputes between the local congregation or community and the decision-making body as to whether proposals shall proceed.*

The emphasis in paragraph 2 of Annex A is that of the Court.

102. The Court commented:

It is apparent from this guidance that the concept of “equivalence” does not necessarily require that the same result will be achieved as if the proposal were being determined through the secular system, nor that listed building considerations should necessarily prevail. What is essential, however, is that these considerations should be specifically taken into account, and in as informed and fair a manner as reasonably possible.

103. The Court of Arches summarised the position in *In re St Peter, Shipton Bellinger*³⁵

*Faculties involving alterations to listed churches require particular attention from chancellors ... because, whilst the secular control in respect of alterations to listed buildings is exercised through the medium of listed building consent, the ecclesiastical exemption provides for an equivalent starting point of respect and attention to be paid to all listed buildings through the faculty jurisdiction, **albeit that the concept of equivalence is primarily concerned with procedure, and certainly not with substantive outcome** ... (emphasis supplied)³⁶.*

104. *In re St Peter, Shipton Bellinger* contains further guidance. In it, the Court held that section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (set out at paragraph 97 above) although directly applicable only in respect of prospective works to listed buildings that do not benefit from the ecclesiastical exemption, also encapsulates the approach which the ecclesiastical system should be following in respect of listed buildings³⁷. The Court also endorsed the words of Sullivan LJ in reference to section 66 (1) of that Act (where they relate to the grant of planning permission) as applying also to section 16(1):

Parliament’s intention in enacting section 66 (1) was that decision-makers should give “considerable importance and weight” to the desirability of preserving the setting of listed buildings when carrying out the exercise.

³⁵ [2016] Fam 193.

³⁶ See paragraph 37.

³⁷ See paragraph 41.

Sullivan LJ was dealing with a case that concerned the setting of a listed building, so he referred to that part of section 66 (2) that deals with the setting of a listed building; but as will have been seen, section 66 (2) and section 16 (2) also refer to the need to pay special regard to the desirability of preserving the building itself. In this somewhat convoluted way, one gets to the position that the Consistory Court should attach considerable importance and weight to the desirability of preserving a listed church in respect of which change is proposed.

The Care of Churches and Ecclesiastical Jurisdiction Measure 1991

105. Section 1 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 provides as follows:

Any person or body carrying out functions of care and conservation under this Measure or under any other enactment or rule of law relating to churches shall have due regard to the role of a church as a local centre of worship and mission.

106. The way in which that section has application was considered by the Court of Arches in *In re St Luke, Maidstone*³⁸:

In our judgment (1) in the absence of words expressly limiting the wide jurisdiction long enjoyed by chancellors section 1 cannot be said to apply to chancellors since they are not persons carrying out functions of care and conservation. Rather, in carrying out their functions under the faculty jurisdiction, the chancellors are to "hear and determine . . . a cause of faculty:" see section 6 of the Ecclesiastical Jurisdiction Measure 1963. (2) Section 1 of the Measure of 1991 does, however, apply to bodies whose legal function is the care and conservation of churches. Every diocesan advisory committee and the Council for the Care of Churches clearly fall within this category. The wide statutory responsibility of the Historic Buildings and Monuments Commission for England, better known as English Heritage, for the preservation of historic buildings (section 33 of the National Heritage Act 1983) would appear to bring that body within the section but, even if not strictly included, we are aware that English Heritage applies the spirit of the section in practice. In so far as the national amenity societies and conservation groups generally are prepared to adopt the same approach it will undoubtedly be of assistance to the chancellor. (3) If the section had applied to the chancellors it would have added nothing to the existing duty and practice of chancellors. (4) In construing the words "the role of a church as a local centre of worship and mission" it is permissible to consider not only the interests of local parishioners but also the interests of those regular members of the congregation who do not reside within the parish. (5) It was argued on behalf of the petitioners that the words "due regard" in section 1 of the Measure of 1991 impose upon those bodies to whom this section applies a duty to treat "the role of a church as a local centre of worship and mission" as the paramount consideration. We reject that argument. In our judgment the section requires the bodies in question not simply to concentrate upon the effect of proposed works upon the fabric or appearance of the church in isolation, but to consider the proposals in the context of and taking full account of the role of a church as a local centre of worship and mission.³⁹

The National Planning Policy Framework

³⁸ [1995] Fam 1.

³⁹ See p7.

107. The *National Planning Policy Framework* (March 2012), sets out national guidance applying in a secular context. The following are the relevant paragraphs:

132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

-) the nature of the heritage asset prevents all reasonable uses of the site; and*
-) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
-) conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
-) the harm or loss is outweighed by the benefit of bringing the site back into use.*

134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

108. So far as is relevant, heritage asset is defined in the Glossary to the NPPF as follows:

Heritage asset: *A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest.*

109. There is no definition of substantial harm.

English Heritage Guidance on Conservation Principles

110. In 2008, English Heritage published policy guidance in *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment*. It is now the policy guidance of Historic England.

111. It identifies four potential aspects of value that an historic asset may have, namely

- Evidential value: derived from the potential of a place to yield evidence about past human activity
- Historical value: derived from the ways in which past people, events and aspects of life can be connected through a place to the present. It tends to be illustrative or associative
- Aesthetic value: derived from the ways in which people draw sensory and intellectual stimulation from a place
- Communal value: derived from the meanings of a place for the people who relate to it, or for whom it figures in their collective experience or memory. Communal values are closely bound up with historic (particularly associative) and aesthetic values, but tend to have additional and specific aspects.

112. The document also contains some specific guidance as regards restoration, defined as *intervention made with the deliberate intention of revealing or recovering a known element of heritage value that has been eroded, obscured or previously removed, rather than simply maintaining the status quo.*

113. The policy is:

Restoration to a significant place should normally be acceptable if:

- a. *the heritage values of the elements that would be restored decisively outweigh the values of those that would be lost;*
- b. *the work proposed is justified by compelling evidence of the evolution of the place, and is executed in accordance with that evidence;*
- c. *the form in which the place currently exists is not the result of an historically-significant event;*
- d. *the work proposed respects previous forms of the place;*
- e. *the maintenance implications of the proposed restoration are considered to be sustainable⁴⁰.*

Functionality

114. In the present case, the Petitioners advanced an argument that the architectural interest of the building was less because, at the time that it was listed, it lacked functionality.

115. There is nothing in the 1990 Act about functionality. I have not been shown any guidance on listing criteria that was current either in 1951 when St John's was originally listed nor in 1981 when its listing was reviewed. The current guidance which is issued by the Department of Culture, Media and Sport - Principles of Selection for Listed Buildings (2010) - does not say anything specifically about functionality. Nonetheless it does state that

To be of special architectural interest a building must be of importance in its architectural design, decoration or craftsmanship ...

⁴⁰ See paragraph 126.

Functionality may be said to be a function of design.

116. English Heritage/Historic England has produced more detailed guidance in respect of specific categories of listed building. There are 20 of these, ranging from Agricultural Buildings to Utilities and Communications Structures. Functionality is expressly mentioned in two of them.

117. In the guidance in respect of *The Modern House and Housing* under the heading Post-war housing, the following appears:

*It is particularly difficult to establish criteria for the listing of post-war housing, as understanding of the resource continues to develop: but benchmarks have been identified. Key considerations will be architectural interest; intactness of design; whether the design was influential; or a particularly good example of a development in housing. **Standards are set high, and remember that an important factor for any post-war building is whether it fulfilled its original brief. It is important to know what the original intentions were, and what the estate originally looked like.***

118. In the guidance in respect of *Education Buildings* under the heading of Universities, the following appears:

*Higher education buildings of the post-1945 period include some of the most exciting buildings of their day, and can be of international importance. **Architectural interest will be determined sometimes by questions of successful functionality as well as by consideration of design quality.***

119. The case of *R (Bancroft) v Secretary of State for Culture, Media and Sport*⁴¹ concerned a decision a decision of the Secretary of State not to list Pimlico School. This was a building of some architectural merit and English Heritage recommended that it should be listed, Grade II. The Secretary of State declined to do so and granted the certificate of immunity on the basis of the deficiencies of the design – the extent of the glazing was such that it was too hot in summer and too cold in winter. A challenge to his decision failed. Gibbs J said:

53. As to this main legal controversy in the case, in my judgment the Secretary of State was and is entitled to consider design flaws in a building as part of the process of deciding whether it is of special architectural interest. I am not going to presume to add my definition of “architecture” to that of the compiler of the Oxford English Dictionary, nor to adjudicate on the quotations referred to in that volume from Ruskin and Gilbert Scott from the 19th century. What is clear however is that the architectural interest of a building must on any view be capable of including a consideration of how effectively or otherwise the building fulfilled the function or functions for which it was commissioned. In the case of a building designed as a school, it seems to me quite impracticable as well as misconceived to seek to divorce the aesthetic qualities of the structure from the degree to which its design successfully fulfils its practical function of providing a school building that works. A rule which permitted the Secretary of State to take into account the former aspect of the design but restricted her from referring to the latter would in my judgment be wholly artificial.

⁴¹ [2005] 2 P & CR 10.

54. Further, it would put an unwarranted gloss on the natural meaning of the word “architectural”. It seems to me that the profession of architecture is generally regarded as not only an art but a science; a profession devoted not solely to providing aesthetic pleasure, but rather a profession which seeks to provide aesthetically original or pleasing solutions to the practical and functional challenges presented by its briefs.

55. It follows therefore in my judgment that the Secretary of State was entitled to take into account any design flaws in the building and the seriousness or otherwise of their consequences in determining whether to list the building. She was not entitled to take into account the way in which the building currently fulfils or fails to fulfil its functions, except to the extent that this reflects on the design of the building. Insofar as it does so reflect, it may in my judgment be taken into consideration by the Secretary of State.

Guidance by the Court of Arches as to the assessment of harm and benefit in respect of proposals affecting listed churches

120. As has been seen, the fact that a building is listed is not a bar to its alteration, even if that alteration alters its character as a building of special architectural or historic interest. Any decision as to whether to permit by faculty works to a listed church depends on assessment of whether those works cause any harm to the listed building and, if they do, whether that harm is outweighed by the benefit that flows from the proposals. Guidance on how to make that assessment was given by the Court of Arches in *In re St Alkmund, Duffield*. That case suggested that Chancellors would find it helpful to ask the following questions:

(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) 7 PD 21 , 26–28, and the review of the case law by Bursell QC, Ch in In re St Mary's Churchyard, White Waltham (No 2) [2010] Fam 146 , 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 In re St Luke the Evangelist, Maidstone [1995] Fam 1, 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? 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.*

121. It is perhaps obvious, but the following was “spelled out” by the Court of Arches in *In re St John the Baptist, Penshurst*⁴²:

Question 1 cannot be answered without prior consideration of what is the special architectural and/or historic interest of the listed church. That is why each of those matters was specifically addressed in Duffield , paras 57–58, the court having already found in para 52(i) that ‘the chancellor fell into a material error in failing to identify what was the special character and historic interest of the church as a whole (including the appearance of the chancel) and then to consider whether there would be an overall adverse effect by reason of the proposed change’⁴³.

The facts of *Duffield*

122. The facts of *Duffield* are instructive.
123. The case involved a Victorian screen which had been installed in a mediaeval church. The Court of Arches held that the Victorian screen detracted from its mediaeval character. Accordingly, there was benefit, not harm, to its architectural character resulting from its removal.
124. However the removal of an historic fitting from the church involved harm to historic character.
125. In considering the composite question of whether there was harm to special architectural and historic character of the building, the Court declined to enter on the exercise of considering whether there the architectural gain outweighed the loss of the historic interest and held that there was harm to the special architectural and historic interest of the building (based on harm to the historic interest). That harm was less than serious. In due course it held that the strong and convincing case for change on theological, visual and practical grounds outweighed the less than serious harm.

Status of parties objecting to a proposal

126. In *In re St Peter, Shipton Bellinger*, the Court of Arches addressed a question arising as to the status of the party objecting to a faculty proposal. The Court said;

We accept the submission of Mr Jones and Mr Pike that on ordinary common law principles the weight given to an objection may be increased by the status and expertise of the body making the objection: see, for example, R (Weir) v Camden London Borough Council [2005] EWHC 1875 (Admin) at [13] where Collins J said:

“... It seems to me that it is self-evident that the weight of an objection may well be affected by its authorship ... It seems to me that the source of the objection can be a relevant consideration, depending on the circumstances and the view to be taken as to the likely expertise of and the weight to be attached to an objection coming from a particular source.”

This does not of course mean that in every case an objection from a body such as the Victorian Society will prevail. It did not do so, for example, on the facts of the

⁴² 9 March 2015. Unreported but noted at [2015] PTSR D40.

⁴³ See paragraph 22. The relevant passage is quoted in *In re St Peter, Shipton Bellinger* at paragraph 39.

*Penshurst case. But it does mean that a statutory amenity society's objections should never be simply brushed aside*⁴⁴.

127. As regards the status of the Twentieth Century Society, the position is that by virtue of section 31 of the Care of Churches and Ecclesiastical Jurisdiction Measure, the Dean of the Arches may nominate a national amenity society (unless, of course, already identified in the Measure) as a national amenity society for the purpose of the Measure. The Dean has done this in relation to the Twentieth Century Society. By virtue of this designation, the Twentieth Century Society is a national amenity society for the purpose of the Faculty Jurisdiction Rules 2015⁴⁵. Accordingly, the Twentieth Century was entitled to be and was consulted in respect of the proposals because those proposals involved alteration of the building to such an extent as to be likely to affect its character as a building of special architectural or historic interest (and the proposed works affected part of the church containing twentieth century work)⁴⁶.

128. As regards the status of Historic England, by virtue of section 33 (1) of the National Heritage Act 1983, this body has a duty

... (so far as practicable)—
(a) to secure the preservation of ancient monuments and historic buildings situated in England.
(b) to promote the preservation and enhancement of the character and appearance of conservation areas situated in England, and
(c) to promote the public's enjoyment of, and advance their knowledge of, ancient monuments and historic buildings situated in England and their preservation.

129. By virtue of section 33 (2) (b), it may

(b) ... give advice to any person in relation to ancient monuments, historic buildings and conservation areas situated in England, whether or not they have been consulted;

130. Under the Faculty Jurisdiction Rules 2015 Historic England is required to be consulted in respect of proposals involving alteration of a Grade II* listed building to such an extent as to be likely to affect its character as a building of special architectural or historic interest⁴⁷. Further, as has been seen, Historic England compiles the statutory list of buildings of special architectural and historic interest.

131. As regards Lambeth LBC, the local planning authority, the position is that local government bears part of the responsibility for care and conservation of our historic environment. Thus, were it not for the ecclesiastical exemption, Lambeth LBC would be making the decision on the proposals that I am considering. If works affect the exterior of a listed building, planning permission may be necessary.

132. Local planning authorities are responsible for the preparation of planning policies on the sort of property development and use that is appropriate to their areas. These local development plans should be the means of delivering the local planning authority's core strategy for the area and the Government's objectives for the historic environment, as set out in the NPPF⁴⁸.

⁴⁴ See paragraph 34.

⁴⁵ See rule 2.2 (1).

⁴⁶ See paragraph 3 of Schedule 2 to the Rules.

⁴⁷ See paragraph 2 of Schedule 2 to the Rules.

⁴⁸ I note here that I was not referred by Mr Black (see paragraphs 179 to 186 below) to any such policies as being relevant to the proposals that I am considering.

133. Finally, unsurprisingly, under the Faculty Jurisdiction Rules the local planning authority is required to be consulted in respect of proposals involving alteration of a listed building to such an extent as to be likely to affect its character as a building of special architectural or historic interest⁴⁹.

Reversibility

134. The relevance of the proposed works being reversible was considered by the Court of Arches in *In re St Alkmund, Duffield* as follows:

The latest view of EH on reversibility, set out in its PPS5, Planning for the Historic Environment Practice Guide (revised June 2012), is:

*“Where possible it is preferable for new work to be reversible, so that any changes can be undone without harm to historic fabric. However, reversibility alone does not justify alteration. If alteration is justified on other grounds then reversible alteration is preferable to non-reversible.”*⁵⁰

That contrasts with the view expressed in In re St Mary Magdalene, Reigate where Petchey Ch said, at para 159: “I think that reversibility goes to the assessment of the adverse effect of the proposals; the harm is less now than it otherwise would be.”

*Another way of approaching the matter, which we prefer, is to treat reversibility as a factor when it comes in at the final stage of weighing the balance. If proposals are readily reversible (as here), then this makes it easier for petitioners with a clear and convincing case to discharge the burden of proof that lies on them to justify the harm to the special character of the listed building*⁵¹.

EVIDENCE

On behalf of the petitioners

135. Canon Giles GODDARD has been Vicar of St John’s, Waterloo since 2009. Before that (from 1998), he was Vicar of St Peter’s, Walworth. He has considerable experience of building projects. Between 1987 and 1991, he was Director of Development of the ASRA Housing Association, responsible for a budget of £20M. Between 1991 and 1995, he was Director of the Southwark Diocesan Housing Association, responsible for the procurement and delivery of five social housing schemes on church land. Between 1995 and 1998, he was a curate at St Faith’s Church, Dulwich and was responsible for a complete renovation of that beautiful modern church. As Vicar of St Peter’s, Walworth he was responsible for a £2m renovation of the church. This is Grade I listed, having been designed by Sir John Soane. A faculty was granted in 2002 following a consistory court hearing, the Georgian Group having objected to the proposals.
136. Canon Goddard spoke to the justifications of the proposals contained in the Statement of Need. In particular he wished to emphasise how the elements of the proposal hung together. Thus he wanted a space in which a vibrant Christian community could worship – they needed a space which helped rather than hindered worship. At the moment there were significant

⁴⁹ See paragraph 4 to Schedule 2 to the Rules.

⁵⁰ This guidance is still current but is now contained in paragraph 43 of *Making Changes to Heritage Assets (Historic England Advice Note 2)* (February 2016).

⁵¹ See paragraph 93.

constraints. As regards wider engagement with the community he wanted to unlock the potential of the church. The church lent itself to use for engagement with the arts but at the moment it was not a good performance space. If the space were improved for performances, this would enable the church to charge more for lettings which would enable other activities to be cross-subsidised. The proposals also formed part of a project called “The Bridge at Waterloo” (TBAW), which is designed to provide young people who are disadvantaged opportunities for training in the arts. “Digital futures”, part of TBAW, was already providing training in digital and coding skills for 16 young people.

137. On specific questions, he expressed the view that the pulpit and lectern were an architectural and not a liturgical solution to the restoration of the church. They were not now used and had only ever been used once in recent times – for a commemoration of the Battle of Waterloo. The V & A Museum had declined to accept them (if a faculty were granted for their removal) but it would be possible to store them in the tower of the Church. He instanced the church of San’Andrea al Quirinale in Rome as an example of an altarpiece lit from above by natural light. He was also able to cite the example of Newport Town Hall as an example of a Feibusch mural that was toplit by natural light. He accepted that it might be possible to address the risk to the mural from artificial lighting by the provision of new LED lighting. The capacity of the church was about 250 with an orchestra or 270 without an orchestra, including seating in the west gallery. The storage facilities were required and would house furniture and musical instruments. The facilities would be a great improvement on the current arrangements where storage was behind a yellow curtain at the west end. Moreover the new storage facilities would address situations where the Church’s own chairs would be put away and, for example, caterers would bring in their own chairs for a function. As regards funding, although the cost of the project was of the order of £3.5m, Canon Goddard was confident of securing funding, including substantial funding from the Heritage Lottery Fund.
138. Eric PARRY is the Principal of an architectural practice called Eric Parry Associates, which was established in 1983. He has been a Royal Academician since 2006. Between 1983 and 1997 he was a lecturer in Architecture at the University of Cambridge. He sits on the Fabric Advisory Committee of Canterbury Cathedral. He designed the extension to the Holbourne Museum in Bath and, in the ecclesiastical sphere, was responsible for the restoration of St Martin-in-the-Fields. Both these schemes have won many awards.
139. Mr Parry began by criticising the Ford interior. He viewed the Thomas Ford design of 1950 as a highly compromised decorated ruin. Ford recognised that the Church without its galleries would be imbalanced, appearing wide rather than long, thus detracting from the focus on the east end Sanctuary. Ford’s answer to this conundrum was to create the near identical pulpit and lecterns, which would be positioned centrally in the nave, in order to try to give a vertical emphasis and create a perspectival effect. There was a sketch by Ford that illustrates how he intended this to work.
140. Mr Parry said that in reality, these theatrical and almost temporary stage set elements had rarely, if ever, been used as they do not work liturgically or practically. This fundamentally undermined the success of the Ford scheme. There was a photo of the 1951 inauguration, which showed them pushed to the side, even on their first day in use. Certainly in the last decade they had been permanently positioned against the side walls of the Church as they obstructed the congregation’s view to the sanctuary and are inappropriate for modern liturgy. They also inhibited the multi-functional use of the Church. Furthermore, they were made of flimsy materials, such as painted bent hardboard and have not lasted well. This said, they were in reasonable condition and, with care, could survive for a further period.

141. The side walls were designed by Bedford as a composition with the galleries bifurcating the windows, which were set back perspectively when viewed from the nave. Without the galleries, the side walls were stark and tall, Ford's radiator grilles to the higher windows appearing as fig leaves or Juliet balconies to mask elements which were never intended to be seen from the nave. He described the Juliet balconies as "limp". The lower windows were positioned to cast a wash of daylight across the underside of the galleries, in the Georgian tradition of Gibbs, Soane and so on; they were not intended to provide direct illumination into the church⁵². Without the galleries, they appear oddly high.
142. The quality of light one had in Georgian churches with galleries is one of subtle modulation, where side windows cast a light on the soffit and the perspective aids focus on the east end. St John's without galleries was a resonant, cold and alienatingly monumental space. Further, Bedford had wanted there to be light from the east end, drawing the observer towards the east end. This effect had been lost by the installation of the mural in the place of the window at the east end. Mr Parry invited me to look at the inside of the church from the west end with the electric lights switched off: in his view this served to emphasise the lack of focus at the east end. His design would remedy this deficiency. Although it was possible to light the east end by artificial light, it was better for it to be lit by natural light.
143. The object of the proposed galleries was not to increase capacity (the increase would be nominal). Nor was it primarily about acoustics, although the space would be radically improved for performances, making a huge difference for choral and orchestral performances. Nor was it about providing storage, although they were functional in this way. Rather it was about ambience or atmosphere.
144. Mr Parry accepted that the interior of the church formed part of the listing; and that Ford's work represented a Festival of Britain response to Bedford's work. He didn't have a problem as a generality with the description of Ford's work in the *Church Times* in 1951 as "most pleasing" and he did not want to lose all of Ford's work.
145. Asked to consider the view of Mr Russell⁵³ that there would be harm to the Ford interior and that the harm to chapel and vestry, pulpit and lectern and the arrangements at the entrance was high, he accepted that, on the basis of Mr Russell's terms of reference, this was a conclusion with which he agreed. The harm was significant to the elements of the Ford scheme identified by Mr Russell. However, viewing the matter as a whole he did not consider that there would be harm. There would be harm to individual elements of the interior but not to the interior as a whole.
146. As regards his own design, Mr Parry said that his intention in proposing the time honoured tradition of galleries was to mediate natural light and lead the eye to the east end, as well as afford opportunities for greater choral and theatrical uses of the Church. The angles of the galleries would pick up and reflect light. Although this was different to the Bedford scheme, it echoed it and would reflect the rhythm of Bedford's wall. The principle of the design was symmetry.

⁵² This seems not to be correct in the light of a contemporary drawing of the interior. However this was pointed out subsequently, and Mr Parry did not have the opportunity of commenting.

⁵³ Mr Russell gave evidence on behalf of the CBC: see paragraphs 165 - 171 below.

147. His design was simple, non-corrosive and reversible, answering both pragmatic needs, for example of storage, while improving acoustics and the quality of light. He proposed the use of fibrous plaster, a beautiful traditional material used in both Bedford's and Ford's work at St John's. He had used fibrous plaster in work at St Martin-in-the-Fields, Brighton College and the Leathersellers' Hall among many other projects. He would therefore be following in the footsteps of Bedford and Ford, adding a twenty-first century layer to the architecturally rich mixture of nineteenth and twentieth century history of St John's. Spatially the new galleries would do many of the things that Bedford's galleries had done; he was paying homage to Bedford while responding appropriately to his work.
148. The sanctuary of Bedford's Church culminated in a stained glass window at the East end – with its strong Christian iconography acting from the dark of the west to the illuminance of the East. Ford in his sketch of 1950 shows his original intention to reinstate the window. The Feibusch Crucifixion was an important and significant painting acting in lieu of the glass. He had proposed top lighting this to reinforce the intensity of light at the east end (and better illuminate the work) and to mute the direct side lighting that at present dominates the experience of the whole. Mr Parry considered that atmosphere is very important to liturgy and his proposals were designed to reinforce and improve the Church space for contemporary liturgical and musical use.
149. Dr William FILMER-SANKEY is a member of the Institute of Archaeologists and is the Director of the Conservation Team at Alan Baxter Associates. He is a Fellow of the Society of Antiquaries. Prior to joining Alan Baxter Associates, he was the Director of the Victorian Society. He was assisted in preparing his evidence by Reider Payne and Nicolas Chapple of the firm, both of whom previously worked for English Heritage and had expertise in twentieth century church architecture.
150. Dr Filmer-Sankey spoke both to the Statement of Significance which had been prepared by him and also to a further Statement (dated 6 July 2016) which addressed the *Duffield* questions in the light of the Statement of Significance.
151. In terms of the special architectural significance of the church, Dr Filmer-Sankey explained the background to the decision not to re-instate the galleries. Dr Filmer-Sankey said that Ford's work should not be viewed as a Georgian restoration: *[a]lthough aspects of the Georgian interior were restored, much of Ford's work represented a fundamental break from the original design.* Dr Filmer-Sankey was particularly critical of the pulpit and lectern:
- It is clear from the photograph of the Service of Dedication, where they have been pushed to the sides, that the pulpit and lectern were positively hampering liturgical use of the church, particularly by putting a large distance between the priest and the congregation.*
152. Although the decision not to re-instate the galleries may have been in the spirit of mid-20th century democratisation, the pulpit and lectern were not: in addition to creating a separation between priest and congregation, they (and anyone speaking from them) loom over the congregation. The pulpit and lectern were not of a high level of significance because in terms of functionality they were a big mistake, as had become clear. He said that Ford was facing a very difficult challenge which he had had only six months to resolve. A better architect might have done better but without putting some form of galleries back it was an almost impossible challenge; some form of gallery needed to be put back. He accepted that there was nothing to suggest that the restoration had failed as a church for the Festival of Britain.

153. In summary, the elements of Ford's scheme did not work together very well and the architectural interest of the church was less because of this. He accepted that this failure of functionality was not as relevant to its historic interest, although it did have relevance to any assessment of the community value of the church. The harm that arose was to those elements of Ford's scheme which were of less significance. That harm was less than serious.
154. Further, one could say that, as it now was, the building was 50% Ford and 50% Bedford. Together they made equal contributions to the architectural significance of the building. There would be benefit to the Bedford element.
155. In terms of the special historic interest of the church, Dr Filmer-Sankey explained how the interior of the church was important as an example of Ford's mature style as he turned towards Greek Revival details. He said that the historic (and architectural) significance of the church was high, it having been the church for the Festival of Britain. The Morris murals detracted from visual focus of the Ford/Feibusch east end.
156. Against this background, and in the context of an observation of mine that in the Statement of Significance there was no separate assessment of the impact of the proposals as a whole⁵⁴, Dr Filmer-Sankey made the following observations in respect of the second Duffield question:

There will be an impact on overall significance from the fact that the 1951 interior – which remains largely intact – will be altered.

This impact is limited by the fact that:

-) *there is no harmful impact on fabric of Bedford's Church (in fact the reverse; see below);*
-) *actual permanent loss of fabric is confined to the entrance screen, altar steps, vestry and Lady Chapel;*
-) *much of Ford's work will remain: altar table, candlesticks, reredos, chandeliers, Juliet balconies, flooring. Most of the ceiling decoration will remain, many of the alterations are reversible. So, for example, the Juliet balconies will remain and could be revealed if the new galleries were to be removed. The pulpit, lectern and altar rails could be brought out of storage; if the ceiling rose at the east end is removed, it will be kept in another part of the church;*
-) *the dedicatory inscription is to be reinstated elsewhere in the church.*

The impact is further mitigated by the fact that the individual items of Ford's work identified as of highest significance (most particularly the east end ensemble of Feibusch paintings, altar and candlesticks) will be retained and enhanced.

... the harm is principally to the overall survival of Ford's scheme, and therefore the ability to appreciate the totality of his concept. However, it is also true that – for the reasons set out in section 1 above – Ford's concept was architecturally flawed as a result of the decision not to reinstate the galleries. Indeed the Eric Parry Architects (EPA) proposals are driven by the need to rectify those flaws and to refocus attention on the east end and the liturgy.

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See paragraph 26 of my directions dated 29 March 2016.

In addition, there is harm caused by the physical loss of the entrance screen and altar steps and particularly by the demolition of the vestry and Lady Chapel. The latter two, however, were part of Ford's clear, but ultimately flawed architectural attempt to compensate for the loss of the galleries...

There is benefit to the centre piece and most significant element of Ford's scheme, which is the central ensemble of altar, candlesticks, reredos and Feibusch painting.

157. In the context of a consideration of harm, Dr Filmer-Sankey wanted to emphasise benefits of the proposals as he saw them, in particular:

-) *the works to open up and refurbish the crypt will enhance and better reveal this important part of Bedford's church (and the area where the congregation sheltered during the bombing);*
-) *the restoration of the main Feibusch mural; conservation advice on the second mural;*
-) *a better architectural and liturgical focus on the east end; this includes bringing Ford's altar table back into regular use;*
-) *a more flexible nave space, not just for liturgical use but also for the church's wider cultural role in the area, an essential part of the historic legacy of the Festival of Britain and an important part of its historic significance (see above);*
-) *the replacement of the post-war glazing will improve the interior lighting of the church.*

158. As to benefit flowing from the intrinsic merits of Mr Parry's scheme, Dr Filmer-Sankey deferred to Mr Parry on this.

159. On whether the proposals involved serious harm, Dr Filmer-Sankey observed:

It is important to remember that the architectural and historic significance of St John's does not lie solely (or principally) in Ford's work. Bedford's original church was the reason for its Grade II listing in 1951. It should be noted that the proposals involve the restoration of the crypt which will increase public accessibility to this under-used part of Bedford's design. This refurbishment is of benefit to the Georgian fabric. The provision of a staircase from under the West End gallery is essential to provide the necessary access.*

In our expert view, the proposals do not involve 'serious harm' either to the church as a whole or to the Ford interior. As set out above, there is overall benefit to Bedford's church. The acknowledged harm to elements of the Ford interior is fully outweighed by the public benefits of the proposals.

On behalf of the Party Opponent

160. Dr Alan POWERS holds the degrees of MA and Ph D in the History of Art from the University of Cambridge. He is a Fellow of the Society of Antiquaries and an Honorary Fellow of the Royal Institute of British Architects. He was formerly Professor of Architecture and Cultural History at the University of Greenwich and currently teaches at New York University (London), the University of Cambridge and the Courtauld Institute of Art. He has been a member since 1995 of the Fabric Advisory Committee of St Edmundsbury Cathedral and since 2005 of the Art and Architecture Committee of Westminster Cathedral. He was Chairman of the Twentieth Century Society between 2007 and 2012. He has a special interest in the use of classical styles in twentieth century British architecture and contributed *Quality in Quality Street: Neo-Georgian and its place in architectural history* to *Neo-Georgian*

*Architecture 1880 – 1970: a reappraisal*⁵⁵. He has published extensively on the architecture of Britain in the twentieth century.

161. As regards the significance of the interior of the church, this was Dr Powers' view:

The interior of the main body of the church was damaged in the Second World War and re-designed by Thomas Ford in 1951. The key role that the Church played in the Festival of Britain celebrations adds to the very important historical significance of the building. The Festival of Britain was an architectural event to a large extent, but the only significant physical reminders of the Festival are the Royal Festival Hall and St John's. The loss of all other architectural and artistic evidence of the Festival makes the interior of St John's, with its Feibusch murals, of double significance as it reflects both aspects of the Festival. It is a rare and significant survivor.

The interior is remarkably unaltered for a church of this period and features a 'set piece' of elegant, understated and carefully designed fittings and features which include the curved cornered Lady Chapel and vestry; the unusual double decker pulpit and lectern, altar and candlesticks all designed as a 'set piece' by Thomas Ford; and in addition to these specific elements, the complete interior decoration includes the finely crafted Regency style anthemion frieze, original light fittings, and Juliet balconies. These decorations convey an overall style and a level of decoration that makes the interior very special and, in my view, is one of the key reasons why it merits its very high level of designation. Earlier alterations to the church are low-key and in many respects reversible, such as the removal of altar rails which are stored in the church and the relocation of the ambos. It is intended to remove the two additional paintings in the recesses on the east wall to either side of the mural, which currently create a visual distraction.

*The east end arrangement is the most original part of Thomas Ford's interior reconstruction and is the most significant in terms of architectural interest. Ford was unusual among church architects of the time in his preference for classical styles, and particularly in his sympathy for the Greek Revival style of Francis Bedford. The period was fashionable with interior decorators in the 1930s (described in 1940 by Osbert Lancaster as 'Vogue Regency', after the magazine that gave prominence to examples of the style), as well as becoming a subject of more serious study, as instanced by John Summerson's biography of John Nash (1935) and other publications just after the war on Regency style by Paul Reilly and Donald Pilcher. Even Modernism in architecture was seen during the 1930s and into the Festival period as being a continuation of this simplified form of Neo-Classicism. As the *Builder* magazine wrote of Thomas Ford's work, 'the style and purpose of the original architect have been blended with the requirements of today'. (*Builder*, 2 May 1951 p.618). While reconstruction in the style of Wren was relatively common at this time, a church in Regency revival style was a rare occurrence, although it was a style that Ford continued to develop during the remainder of his career. The same source emphasises the careful fidelity to the detail of the original church, much of which had been lost during Victorian transformations.*

I find much to admire in Thomas Ford's redesign of the interior of St John's. He combined elements of historical reconstruction with others which were novel, including the Feibusch paintings and the ambos. The effect of the interior is one of an affectionate and even playful reinterpretation of a historical style that represents an important survival of its period and is fully deserving of the listing that recognises

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See paragraph 84 above.

this high level of significance both historically and architecturally. It is worth noting that the 1951 interior as a whole is considered to be of high significance in the Statement of Significance submitted on behalf of the petitioners.

The Petitioners claim that the omission of the galleries in Ford's design renders it 'deficient'. The scheme Ford devised was expressly designed to compensate for the loss of the galleries and in our view achieved this very successfully, giving the church an individual character.

It is unreasonable and prejudicial to insist that the inclusion of the galleries or any other element should be the single determinant for the success or failure of Ford's design. Ford accepted the conditions of his brief and created an original composition with regard to the history of the building and its functionality and aesthetic appropriateness in the mid-twentieth century.

162. As regards the proposals Dr Powers said this:

The current proposals bear no relationship to the original gallery design. If the proposals concerned a more accurate recreation of the original galleries, there would be more justification for considering them as a potential benefit to the character of the interior, especially in relation to the comments by Dr Eeles, who expected that if restored, the galleries would have closely reproduced the original Bedford scheme. The current proposals, however, bear no relationship to the original design. We regard the destructive nature of the Eric Parry proposals in respect of the listed interior as it exists as a potential cause of serious harm to the heritage asset. The claimed liturgical benefits of the proposals are not self-evident. The proposals would result in less flexibility, owing to the introduction of more enclosed built structure into what is currently open floor space in the nave. Indeed, the liturgical benefits claimed can probably be achieved in whole or to a substantial extent by adaption of the existing structure through temporary or reversible interventions, and at much less expense.

I believe that the criticism that the east end lacks unity and focus is not convincing. Thomas Ford's design is effective because of the unity of its overall composition, the careful application of ornamental detail and colour to reinforce this, the judicious use of open and enclosed spaces and the binding role the twin pulpits play in the effectiveness of the sanctuary design. I believe that the effectiveness of the original design in providing focus has been weakened by moving the pulpits away from their original positions, although this is easily reversible so long as they remain in the building. The addition of mural paintings in the recesses on the east wall flanking the Feibusch Crucifixion has also contributed to visual confusion, and without them the architectural basis of the design will become more effective.

163. He considered that the proposals would result in substantial harm to the significance of the listed building:

St John's was conceived as something more than a regular parish church, since it represented a new aspect of the Church of England in the Festival of Britain, not only in its architecture but in its adaptability for drama and concert performances. During the summer of 1951, a considerable number of events were organized in the church ranging from 6 daily services to concerts involving over 150 choirs and religious dramatic productions. This is the root of the live music tradition that the church values highly today and the proposals are in part justified by the petitioners in relation to this role as a concert venue. The proposed loss of the connection to the

Festival, the very inspiration for this use, and the architectural scheme that facilitated it, is therefore very unfortunate.

I have considered in detail in my previous submissions the way Thomas Ford re-designed the interior ensemble to respond to the changing brief and economic constraints. These circumstances led to a design which is expressly conceived to be without galleries. Ford combined elements of historical reconstruction, based on documents and the traces left on the walls of the church after bombing, with new ideas and interpretations. In his new reredos and high altar, he managed the historical and the inventive aspects skilfully, working in a creative way with the original decorative elements of the church. It is important to consider the east end of the church, as conceived by Ford, as a compositional unity, in which all the elements originally played a part. As previously considered in earlier submissions, this fits in with Summerson's views of post-war reconstruction. The Lady Chapel and Vestry, together with the reredos, altar and decorative motifs are important in creating a visual unity for the east end: the removal of these key components will lead to a loss of coherence of the Thomas Ford scheme. The replacements proposed for the sanctuary as part of the Eric Parry plans, together with the angular and disconnected galley additions to the nave are inappropriate additions to this significant space and will, in my opinion, cause visual harm to the interior.

164. Dr Powers had attended morning service at St John's on 11 December 2016. He had found it a pleasant, friendly service. There was evidently a positive aspect to the width of the space – the choir sat at the side of the church. The church had felt light and the Feibusch mural had been lit from the right. He considered that the mural did not need to be lit in the way proposed, although it would work much better without the new murals. Churches without east windows were not unusual – sometimes there was a concern that a church could be lit too brightly at morning service. He had reservations about the proposed position of the font, although he recognised that it could not stay where it was at present under the proposed plans. His concerns about the colour scheme could be addressed by a condition imposed on the faculty. He had not sought to assess the proposals against the purely Georgian aspects of the interior. He had not given consideration to whether one part of the Ford interior was more valuable than another. He had not given consideration to whether the Ford scheme worked as liturgical space. He did not consider this to be a question that was in line with conservation practice and in any event there was little evidence about the point. The lectern and pulpit were well designed and aesthetically successful and represented an interesting approach to function which might have reflected liturgical ideas current at the time. He did not accept the proposition that aesthetically the church would be better with galleries than without; galleries diminished light at the lower level of the church. There was not a stylistic connection between the Festival of Britain and the design of the interior; but 70,000 had visited the Church during the Festival of Britain which was very relevant to an assessment of the historic interest of the Church.

On behalf of the Church Buildings Council

165. The Church Buildings Council was established under section 55 of the Dioceses, Pastoral and Mission Measure 2007. It has 24 members some of whom have relevant professional qualifications in matters relating to church buildings and all of whom have relevant experience. Henry Russell gave evidence on behalf of the Church Buildings Council. He is a member of the Council and his witness statement was approved by the Council. He has been awarded the OBE and is MA (Cantab) DipBldgCons FRICS FSA IHBC. He is a member of

the DAC of the Diocese of Gloucester. He is a lecturer at the University of Reading, where he is programme director of the MSc (Conservation of the Historic Environment).

166. In his evidence, Mr Russell addressed the Duffield questions. This is what he said in his statement about Question 1:

The existing west balcony will be retained. New north and south side galleries of contemporary design will be constructed faced in fibrous plaster, supported on structures which will provide storage. The new structures are to be reversible with minimal effect on the historic fabric. The design of the narrowing shape is intended to focus on the east end. There will be some harm to the Ford design intentions to the building.

The Thomas Ford vestry and chapel will be removed and replaced by new structures. This will result in great harm and loss to the significance of the Ford work.

The west end of the nave under the gallery will be closed in with glazing partitions, which can be opened out. When closed the glazing will not form a flat screen, but a shallow zigzag which will to some extent mirror the balcony fronts. This will result in some limited harm in reducing the main volume of the nave.

The Ford pulpit and lectern will be removed. They are currently not in use and sit somewhat forlornly at the sides of the nave, mounted on ungainly casters. Their loss will result in harm to the Ford interior. He accepted that there would be aesthetic benefit if the pulpit and lectern were in their original positions.

167. It will be seen that in answering this question he did not separately seek to identify the special architectural and historical character of the building.

168. This is what Mr Russell said in his statement about questions 3 and 4:

I believe that the harm done by the introduction of the new balconies is mitigated by (a) their high quality of design and (b) that they will be reversible, and (c) by the needs of the parish in forming a new focus on the east end.

The loss of the vestry and chapel is arguably the greatest harm to St John's. The harm is justified by the quality of the design of the new work by Eric Parry. One of the reasons for the new work is to create an enhanced focus on the east end of the church for worship. The balconies play their part in this, and their effect would be diminished if the Ford vestry and chapel were retained. The integrity and presence of the new work would be compromised.

169. Mr Russell emphasised the importance of the high quality of the work of Mr Parry in offsetting the harm that arose from the proposals. He said that Mr Parry had a very good track record – instancing his work at St Martin in the Fields and at the Holburne Museum at Bath. Attention to detail would be very important in achieving appropriately a junction between the old and the new work.

170. He considered that the harm done by closing in the space under the balcony would be mitigated by providing the parish with welcome and fellowship space and by improved acoustics. The furnishings – the pulpit and lectern – were of high significance and their destruction is not justified, but they could be removed from the building.

171. With regard to the proposed roof light, Mr Russell recognised the desire of the parish to improve lighting of the chancel, but believed that this loss of the Ford work is not justified. The church is well lit naturally and a good lighting scheme would further enhance the east end.

Evidence on behalf of Historic England

172. Dr Nigel Barker has a BA in Architecture from the University of Reading and Ph D from the same university for a thesis on *The Architecture of the English Board of Ordnance 1660 – 1750*. He has a Post Graduate Diploma in Building Conservation and is a Fellow of the Society of Antiquaries.

173. He worked as a fieldworker for the Department of the Environment involved in the listing of buildings between 1982 and 1986 and between 1987 and 2001 was Historic Buildings Officer for Surrey County Council. Between 2001 and 2016 Dr Barker held a number of senior positions with English Heritage/Historic England, culminating in his being the Planning and Conservation Director for London. In this role he led a team of 40 people.

174. Dr Barker summarised the architectural and historic significance of the church as

... the result of at least two great national events, the Church Commission and Act of 1818 and the post-war reconstruction of the 1950s and early 1960s. In the case of this particular asset the phases together present a greater whole with a rare aesthetic unity.

175. More specifically, about the interior his view was that

... the intrinsic architectural merits of the Ford design include a clear and well considered response to the earlier Bedford building including a holistic approach to architectural articulation and decoration, through his collaboration with Feibusch. The proportions and scale of the new interventions into the restored shell of the Bedford church are responsive to the proportions of the original architecture and in my opinion create a calm and dignified space.

The enclosures of the chapel and vestry are essential elements in reducing the width of the sanctuary and re-introducing the feeling of length previously provided by the balconies. The effectiveness of this arrangement was enhanced in the original layout by the symmetrical positioning of the tall pulpit and lectern further into the body of the nave and is still capable of being recreated easily.

176. As to harm, he thought that

The harm to the special interest of St John's arising from the proposals extends to both its architectural and its historic interest and is extensive in nature and impact. The impact on the interior includes the proposed removal of virtually all of the architectural elements of the Thomas Ford design. The loss of the chapel and vestry, carefully designed volumes, geometrically responsive to the existing building and providing a carefully considered frame to the altar, altarpiece and painting by Hans Feibusch totally alters the visual impact and appreciation of the interior. The loss of the pulpit and lectern, integral elements of the original design is similarly harmful.

177. His view as regards Mr Parry's proposals was as follows:

The proposals by Eric Parry have a coherence and integrity but one which is not informed by either phase of the existing building. In particular it promotes the proposed new interpretation of galleries as a major architectural feature. When standing in the proposed new interior the visual impact of the angular geometry will be inescapable. Whilst simple in form the planes and volumes are powerful and the visual assertion of the angled gallery level will be the foreground against which the existing geometry of the original volumes of the building will be appreciated. The impact will be particularly noticeable looking towards the east end, which the design will encourage. The impact upon the appreciation of the last remnants of the Post-War scheme, the Feibusch altarpiece and painting and the altar itself will be significant and to their detriment. The careful relationship between the altarpiece and paintings and their context, fundamental to the Ford design and part of its intrinsic architectural merit, will be substantially lost.

In summary, in my opinion the design approach fails to respond to the simple geometry and unity of the existing interior, a unity which is vulnerable to such a significant intervention. I am aware that others disagree with this assessment, finding the Parry proposals exciting and powerful, but this simply demonstrates the subjective nature of this issue. Taken in isolation whether one appreciates or enjoys the architecture or not is not a big issue. However, you cannot take this issue in isolation because the new work will sit in an established and valued historic context. That context was itself carefully designed and is integral to the architectural and historic interest of the building as a designated heritage of high grade, which the Duffield approach requires to be given considerable weight and protected from harm.

178. Dr Barker elaborated that the problem with aesthetic judgments was that what was regarded as a masterpiece by one generation might not be so regarded by the next. Aesthetic improvement could not be prayed in aid as a clear and convincing benefit when there were so many views about the quality of the design proposed. In his view, national guidance supported this approach. He accepted that, for example, the extent that the church had an east/west focus or there was a separation between the congregation and those officiating at services was capable of more objective assessment: the design will encourage looking towards the east end (although in his view the impact on the "last remnants" of Ford's scheme would in this respect be significant and to their detriment).

Evidence on behalf of the local planning authority

179. Douglas BLACK has a B Sc in Town Planning from The Queen's University of Belfast and an M Sc in European Urban Conservation from Duncan of Jordanstone College of Art, University of Dundee. Between 1997 – 2000 he worked as a listed buildings inspector in the Northern Ireland Environment Service and between 2000 – 2006 as Principal Conservation Officer at Bromley LBC. Since 2006 he has worked for the London Borough of Lambeth, first as Deputy Team Leader of the Conservation and Urban Design Team and, since 2010, as Team Leader.

180. In his evidence, Mr Black set out why in his view the post-interior was a key element of the significance of the Church. This was because:

-) the works were a restoration of the historic interior;
-) the restoration reinforced the Church of England's Festival of Britain message

-) the architectural work of Ford and the artistic endeavours of Feibusch are an integral endeavour and should not be considered separately; and are of high aesthetic significance.
181. On the first point, he said that it seemed to him that Thomas Ford admired and respected Bedford and successfully employed his stylistic language in his successful Neo-Classical restoration; in the phrase, Thomas Ford “got it” in terms of what Bedford had been doing. Thus in the “box” (the interior of the church to be restored) he reinstated Bedford’s pilasters, cornice and ceiling. The new work was informed by Bedford’s style: thus the doorway to the Lady Chapel tapered towards the top. The altar rails were decorated with a laurel leaf motif derived from the frieze on the outside of the church. The detailing of the lectern reflected the detailing on the gate posts to the entrance and the rosettes on it echoed the ceiling rose. A lay person not understanding the historic development of the church would not be able to tell the work of Bedford and Ford apart. He did not know what Bedford’s colour scheme had been but he said that Thomas Ford’s scheme felt like a Georgian colour scheme; it obeyed the rules of Neo-Classical architecture (as well as co-ordinating with the Feibusch murals).
182. On the second point, Mr Black emphasised the key role of the Church of England in the Festival. St John’s as being the only Festival church was of high value on this account.
183. On the third point, Mr Black emphasised the close collaboration of Ford and Feibusch. Feibusch had written
- The [mural] painting is not to be an afterthought ... it should be an integral part of the architecture, the conclusion and highlight of the [architectural space] and the logical consequence of its structure.*
184. His overall view was that the proposals would effect major change to an interior of high significance. This would result in a large impact.
185. As regards the justification for the scheme, Mr Black emphasised his view that the church could be used flexibly at the moment, and was currently used by external parties, including the Southbank Sinfonia. He did not see any evidence of attempts to minimise the harm to the listed building by other ways of improving the acoustic.
186. On the intrinsic merit of Mr Parry’s scheme Mr Black said that it could, of itself, be very attractive but it would be an alien concept in the Neo-Georgian interior. In particular, he said that the way the light filled such an interior, falling evenly across the floor, was different to the play of light from the balconies that Mr Parry sought to achieve. In his judgment, while the restoration in 1951 seamlessly blended the work of Bedford and Ford, the introduction of the work by Mr Parry, employing a different set of values, would be different and jarring.

Evidence of the Archdeacon

187. I also heard evidence from the Archdeacon of Lambeth, the Venerable Simon GATES. He was the “lead Archdeacon” for development on the South Bank. He said that the church occupied a key position at the heart of London and that it was important that it was able to realise its potential as one of London’s central churches. The parish’s vision was in accordance with that of the Diocese as it developed its response to development along the riverside to the south of the Thames – “From Battersea to the Barrier”. The Diocese had made a bid in respect of this to the Church Commissioners for £1M in mission funding. In his view the church could not respond to the needs of the current City if it were to be a museum preserving just one period of its time – the Festival of Britain. The scheme drew upon the real

heritage of what it meant to be a Festival church – a living church and not a mausoleum where people can gather and celebrate, where community is forged and there is excellence in music and worship. Against this background the DAC had encouraged the Petitioners not to tinker with the interior but to pursue a bold solution. He endorsed from his own experience what Canon Goddard had said about the difficulties which the church presented from a liturgical point of view.

DAC

188. The Diocesan Advisory Committee did not give evidence. I need to say something at the outset about this.
189. The DAC is a Committee constituted under the provisions of section 2 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 and is made up of a wide variety of experts and those with a special understanding of churches, including architects and those with an expertise in historic buildings. It also includes, ex officio, all the archdeacons of the diocese. It is required to advise the Chancellor and subject to certain limited exceptions, I am required to seek its advice before making any final determination in faculty proceedings⁵⁶. By rule 13.4 (b) of the Faculty Procedure Rules, I may direct the attendance of a member or officer of the DAC, if it appears that the person may be able to give relevant evidence and is willing to give it. I did not so direct, leaving it in my directions open to the Committee's own decision whether it wanted to tender a witness. In my directions, I indicated that the advice of the Committee that I had thus far received was self-explanatory and that I would not be assisted by hearing from an officer of the Committee who would only speak to the process by which its advice to me was arrived at. The Committee could have put forward one of its members to give expert evidence having first endorsed that evidence (as did the CBC) but if that were to have happened, there would have had to be agreement on the content of that evidence.
190. In the event the DAC did not give evidence but by a letter dated 5 July 2016 and signed by Canon Stephen Roberts, the Secretary of the DAC, gave me very full advice representing the consensus view of the DAC. I do attach weight to the views of the DAC and indeed I have been assisted by what they have said. Nonetheless I have borne in mind that it was not expert evidence in the strict sense (because it is not the evidence of an expert or indeed of any one individual) and also that it was not subject to cross-examination. This means that it has intrinsically less weight than the evidence of individual experts which was subject to cross-examination.
191. In its letter dated 5 July 2016 the DAC did not directly address the *Duffield* questions, although an Appendix, prepared by Sherry Bates MA BSc (Hons) DipArch MaPS, is an assessment of the significance of the church and of the impact of the proposals on that significance.
192. In its letter, the DAC begins by explaining that it has been fully involved with the Petitioners in the two year process as the Petitioners have developed their proposals, and sought to assist in achieving an outcome which achieves a balance between the desired interventions in the historic fabric (to realise material benefits for the worshipping and wider community) and consequent harm (actual or perceived) to that fabric.
193. The DAC helpfully summarises its view in the following propositions:

⁵⁶ See rule 7.2 of the Faculty Jurisdiction Rules.

Although the proposed re-ordering will result in the loss/alteration of some historic elements and artefacts, the re-ordering proposals themselves do not constitute a diminution of the overall significance of the church as a building of national architectural and historic interest.

The Advisers are satisfied that the Petitioners' current re-ordering proposals seek to retain the core integrity of the building that is consistent with the II listed status.*

In taking this view, the Advisers are satisfied that the Petitioners have demonstrated that the proposed internal works are sufficiently respectful of both the Bedford building and the Ford re-ordering and have sought to realise similar aims whilst working with the historic fabric.

194. It will be seen that the DAC do not consider that there will, overall, be harm to the significance of the church as a building of architectural and historic interest. The letter explains that

the Advisers do not view the proposed internal fabric interventions as producing a diminishing effect on the buildings historic importance. The majority of the Advisers discerned an enhancement to it.

195. As a judgment that formed “overall”, it is potentially made up of the identification of some elements that are beneficial and some that are harmful; the view being taken that the benefit outweighs the harm. What was involved in the DAC’s judgment is indicated by Mr Bates in the Appendix.

196. Basing himself upon *English Heritage Guidance Conservation Principles* Mr Bates sought to identify the impacts of the proposal under the heading, Historic, Evidential, Communal and Aesthetic.

197. His conclusions were as follows:

) there will be no loss to the historic value
) the communal value will be enhanced
) on balance, the aesthetic value will be enhanced
) there will be some loss of evidential value but this may be mitigated by recording the elements to be removed before doing so.

198. This is against the background that, in his view, Ford’s re-ordering is *not the most impressive piece of mid-twentieth century classicism.*

199. Mr Bates adds *Moreover the harm incurred to the evidential value and some aspects of the aesthetic value will be minor, and heavily outweighed by the benefits the new scheme would afford to the church and the wider public in terms of mission and as a place in the city.*

200. As regards each of these matters, Mr Bates elaborates as follows:

The proposals will remove some of the evidence from the 1950s scheme (wall between the narthex and the nave, the prayer chapel, vestry) but the rest will remain intact. The Feibusch by contrast will be conserved and thus its long term evidential value enhanced by the scheme. The high altar will be brought back into use and therefore have its future secured and its evidential value protected. There will be sufficient

material left that is identifiable to the Festival of Britain scheme for its historic associations to be perceived and therefore its historic value protected.

The communal value of the church will be enhanced. By opening the nave to the narthex the proposal does make the interior more apparent which should foster greater awareness of the church as a space in the city rather than an object. It could reinforce to a wider community the value it already has to some as a long standing place of worship and venue for concerts. The communal value of the Thomas Ford scheme would not be lost as this will remain recognisable. The communal value of the Feibusch should be enhanced as it will be lit and given a setting which recognise its importance. The opening of the church will provide the opportunity for the communal value of both to grow.

The aesthetic value of the Thomas Ford scheme will be affected by the proposal because of the loss of the vestry and the prayer chapel that make up its whole. However the aesthetic value of the scheme does not depend on preserving its integrity as a physical entity: the vestry and the prayer chapel are not of great aesthetic merit as built form in their own right, Thomas Ford's work will remain legible, and the removal of the prayer chapel and vestry will not detract from the rigour of his thought.

The new scheme, which is a carefully considered significant transformation in its own right, works with and respects the existing architecture. It reintroduces a chapel and vestry at the same end of the church which will be reminders of those conceived by Thomas Ford, but allows space for the stairs without which the reinstated galleries would not be viable. The results of archival research carried out by, and on behalf of the Petitioners, shows how Thomas Ford clearly expressed his desire to reinstate galleries and how he explained the difficulties of ordering the church without them. The reinstatement of galleries is therefore an enhancement. The new scheme forms a harmonious whole in itself while maintaining the cohesion of the Georgian building and the legibility of the Thomas Ford scheme but sets out deliberately to contrast with them in its detailing to mark its own moment in time.

201. I need to add four further observations of the DAC.

202. About the re-introduction of galleries, it says:

The petitioners' proposal to re-introduce the balconies, whilst retaining the Juliet balconies, was positively received by the Advisers. The original balconies are shown in contemporary photographs to have been badly damaged by the World War II bomb damage: the north balcony was mostly destroyed and the south possibly still in situ though probably suspect. It seems reasonable that at a time of post war austerity they could not be replaced, though there was clearly a strong desire to do so. The use of balconies and side galleries in the current proposals is therefore in keeping with the original significance of the Georgian building and, as indicated above, the lack of side galleries has the effect of making the Nave area appear overly large, with damaging consequences for worship and human interaction.

The consensus of the Advisers is that the asymmetrical form of the balconies introduces an intentionality into the internal space that draws the viewer towards the Altar and Feibusch's Crucifixion at the East end. If they had been restored in their original form this would have resulted in what Ford describes as a 'narrow gap in the centre' (see his Summer 1951 article in Waterloo Bridge) and an arrangement that could have been impossible to adapt in the way now envisaged. By inserting new

narrower balconies the original Bedford spatial arrangement is partially restored while at the same time addressing the current and future operational problems that the Petitioner have identified.

The Advisors also noted that retention of the Juliet balconies was essential to ensure that this piece of the historic interest in the Ford ordering is not lost altogether. However, as their original visual 'need' was as part of Ford's remedy to provide a longitudinal West-East axis in lieu of restored balconies, the compromise of having them partly obscured by the new Eric Parry balconies is an acceptable compromise.

203. About the alterations to the Vestry and Chapel, it says

The spatial intention of the current Vestry and Chapel has been covered earlier: Ford introduced them in an attempt to narrow the space and compensate for the loss of the balconies. The Advisers are of the view that there is a contingent link between the shape and size of these areas with the re-introduction of the balconies. If the balconies are re-introduced, the retention of the Vestry and Chapel in their current architectural form is not possible. The loss of the current forms of Vestry and Chapel (which are part of the Ford ordering) is clearly an alteration in the historic character of the building. However, the consensus amongst the Advisors is that the Petitioners' new proposed Vestry and Chapel is a contextual response to the Ford ordering, seeking to achieve what Ford would have done if he had been able to reinstate the Georgian galleries, whilst providing a better spatial environment than Ford's attempt to deal with the problem of the very wide worship space by constructing the Vestry and Chapel.

The Vestry and Chapel lose their significance as a means of narrowing the space as intended by Ford, once new balconies are inserted. If they are included in the new design for the balconies then they remain as a reminder of the original Ford design. Studies have been presented on behalf of the Petitioners which show how the balconies might be arranged so as to engage with the existing Vestry and Chapel, but these show that it is not possible to integrate a secondary means of escape satisfactorily and allow public access to the areas above the Vestry and Chapel without compromising their design. It seems therefore that an alternative design for the Vestry and Chapel, which is an integral part of the new balconies, is to be preferred.

204. About the replacement of the pulpit and nave, it says

The consensus amongst the Advisers is that the current two pulpits do not currently fulfil their intended use. The removal of these two artefacts is in effect an alteration to the historic interest solely in regard to the 1951 intervention and the Advisors are of the view that they should be stored and at a suitable time exhibited. The Advisors consider that the impact on the spatial environment is minimal insofar as these redundant two pulpits are already 'parked' at the sides of the nave adding to the clutter along both side walls.

205. About the introduction of the ceiling light above the Feibusch crucifixion, it says

The consensus amongst the Advisers is that this will have a positive effect on the East end and would demarcate some of the sanctuary space much as a painted ceiling in an older church might while ensuring that some light came from the East. The Advisers had seen an earlier proposal to remove the Feibusch from the wall entirely in order to re-open the original East window, but with new building taking place to

the East of the church, and the risk to the mural itself, there was every reason to discourage this proposal.

Evidence about acoustics

206. I did not hear any evidence as to the acoustic performance of the church as it currently is configured nor as to acoustic effect of the proposals if they were implemented. The background to this is as follows. The Petitioners obtained a Report (which is dated 24 April 2015) on acoustics from the firm of Gillieron Scott, acoustic designers. The Twentieth Century Society submitted the Report to its own consultants, David Trevor-Jones Associates, for comment, and Mr David Trevor-Jones CPhys MInstP FIOA provided the Society with a letter of comments dated 4 May 2016. The “bottom line” is that Mr Trevor-Jones does not challenge Gillieron Scott’s assessment of the existing acoustic performance of the church or its acoustic performance after the execution of the proposals. As regards the first matter, Mr Trevor-Jones accepts that the present acoustic is highly reverberant and as regards the second he considers that *[a]lthough somewhat vague in some key details, the acoustics scheme addresses all of the necessary issues and would lead to an excellent acoustic for orchestral performance.* The point that Mr Trevor-Jones makes is whether it is necessary for such an excellent acoustic to be provided. Against this background, the Petitioners did not call acoustic evidence.

SUBMISSIONS OF COUNSEL

207. Counsel structured their submissions around the *Duffield* guidelines. There was agreement that there would be some harm flowing from the proposals. Mr Ormondroyd submitted that it would not be substantial and Mr Pike that it would. Mr Ormondroyd submitted that as regards the historic interest, the key elements of what provided that interest would remain: evidence of the Ford/Feibusch collaboration; and the post-war restoration would remain legible. As regards the architectural interest of the interior, he accepted that its intactness would be lost, as would various physical elements of it. He went on:

However, it is precisely that intactness and those elements which most display the failure of function in the Ford scheme. As such the harm from their loss would be limited. It is also reversible ... Furthermore all the truly successful and valuable elements of the Ford scheme would be retained in situ. There would be benefits to those elements in terms of conservation and preservation of the murals ... and by bringing the altar/Holy Table back into use. These benefits to architectural interest must be weighed in the balance when assessing the overall impact on significance.

CONSIDERATION

208. I should begin by saying that my consideration has been informed by all the evidence which I have heard and the background material which has been submitted to me. I am conscious that my summary of this material set out above may not do full justice to all this material; moreover in setting out my conclusions, if I am to keep this judgment to a reasonable length, I cannot address every point that was made to me. Nonetheless I am confident that from what I say below it will be possible to understand the clear conclusion that I have reached.
209. The Court of Arches gave Chancellors a choice as to whether to approach the question of analysing the issues arising in faculty cases by reference to the *Duffield* guidelines. No-one who made representations in the present case suggested that I should not do so. It seems to me that the *Duffield* guidelines represent a rigorous framework with which to analyse the competing factors of harm and need that arise in a faculty case and I shall apply them. This said, I also need at the outset to consider a number of matters arising in connection with them.

210. It seems to me that embedded within the questions are two particular elements which are, in effect, matters of law, namely that
-) *there is a strong presumption against proposals which will adversely affect the character of a listed building*
 -) *serious harm should only exceptionally be allowed to a building which is listed Grade I or II*.*
211. The application of these tests cannot be matter of choice: either they are applied or they are not.
212. With respect to the Court of Arches, the difficulty I have with the tests is that if there be a presumption against any proposal that causes harm, it is natural to describe a case in which permission was given despite the harm as one in which an exception is made. This was, for example, the approach of the Court of Arches in *In re Blagdon Cemetery*, a case about whether permission should be given for the exhumation of human remains from consecrated ground. There is a presumption of permanence of interment of remains in consecrated ground but it may be appropriate to give permission for exhumation in exceptional circumstances⁵⁷. The Dean in that case said
- Exceptional means "forming an exception" (Concise Oxford Dictionary, 8th ed (1990)) and guidelines can assist in identifying various categories of exception. Whether the facts in a particular case warrant a finding that the case is to be treated as an exception is for the chancellor to determine on the balance of probabilities.*
213. The presumption against change articulated in *In re St Alkmund, Duffield* is evidently a stronger presumption than that in *In re Blagdon, Cemetery* – it is a **strong** presumption. In any event, if permission is to be given for works which adversely affect the character of a listed building it seems to me that an exception is being made. If this be so, how does the test become stronger (as evidently it does), if one is considering serious harm to a building which is listed Grade I or II*? It is hard to avoid the conclusion that the guidance as to Grade I and II* buildings takes colour from paragraph 134 of the NPPF. Thus *serious* has the force of *very serious* (approximating to *substantial*) since, on the face of it, all harm against which there is a strong presumption must have a degree of seriousness; and *exceptional* has the force of **wholly exceptional** since permission in **any** case where harm is permitted in circumstances where there is a strong presumption against it will be exceptional⁵⁸.
214. The words used in *Duffield* are clearly **different** to those of secular guidance. However it does seem to me that they are essentially to the same effect and in particular:
-) are not seeking to articulate a less stringent test; and
 -) in the context of Grade I and Grade II* buildings envisage a stricter test than that applying to Grade II buildings.

⁵⁷ See paragraph 20.

⁵⁸ The principle that there was a strong presumption against change which adversely affected the character of a listed building was first articulated by the Court of Arches in *In re St Mary's, Banbury* [1987] 136 at p145 (and see also *In re All Saints', Melbourn* [1990] 1 WLR 833 at p843). However, *In re St Mary's, Banbury* also articulated a "wholly exceptional" test which subsequently seems to have been lost sight of. Thus the test referred to in *In re St Helen's, Bishopsgate* (Consistory Court of London, unreported, 26 November 1993) but was not carried forward into the "Bishopsgate questions" (which were the precursor of the *Duffield* guidelines) and the test was not referred to in *In re St Luke the Evangelist, Maidstone*.

215. I do however also note that the guidance does not incorporate paragraph 133 of the NPPF.
216. I will return to this in due course.
217. The other observation that I must make on the *Duffield* guidelines which is pertinent to this case is that they do not specifically envisage that the character of the exterior might be different to the interior or address how the exterior or interior are to be interpreted together. In the present case I am concerned with the effect of the proposals on the interior; the exterior is unaffected. It seems to me that the assessment that I am required to make necessarily relates to the interior of the church; and that it is clear that the interior has a different character to exterior. I think that the way the guidelines work is that if I were to find that the interior of the church has a high value and that substantial harm will be caused to it (and, for reasons I explain below I do so find), the two presumptions identified in Question 5 apply. It is not relevant that the high value exterior is unaffected.
218. Before turning in terms to consider the appropriate answers to the Duffield questions, I think that it will be helpful to consider the matter at large.
219. At the heart of this case is an assessment of the significance of the interior of the church as forming part of a listed building and, in the light of that assessment, a judgment whether that significance would be significantly harmed if the works are approved.
220. St John's, Waterloo is listed Grade II*. This fact however does not tell me anything of itself as to the significance of the interior. The building may have been listed because of the value of its exterior and the interior could (at least in theory) be of no significance at all.
221. It is indeed possible (again, at least in theory) that when the building was first listed in 1951 (after the restoration by Thomas Ford was completed), the view was taken by the Minister that the interior was of no significance. This is possible because he does not refer to the interior in the listing description. I do of course appreciate that many listing descriptions of that period do not include features which are of indisputable importance, so it would be wrong to infer from the Secretary of State's silence about the interior in the initial listing description that he did indeed take the view that the interior was of no significance. The position is that it is not possible to tell what view the Minister took of the significance of the interior.
222. However in 1981, the description in the list was revised and the interior was described, as set out in paragraph above. In the light of this revision, it seems to me impossible to contend that the interior of the church is of no significance and, indeed, no-one who has given evidence has contended that the interior is of no significance.
223. Accordingly I am called upon to make a judgment about what the level of that significance is, given that it does have **some** significance.
224. In order to assess that significance, the first of the *Duffield* guidelines requires me first to make an assessment of the special architectural and historic character of the building. In the present case, since the works are not going to affect the exterior of the building, this means

making an assessment of the special architectural and historic character of the interior of the building. Potentially this is crucial, because the way the building is characterised may determine what the effect of the works will be. If the church in *In re St Alkmund, Duffield* had not been viewed as essentially mediaeval with Victorian accretions (to its detriment), it would have been much harder to view the removal of a Victorian screen as not affecting the architectural character of the church.

225. In the present case, there is not, it seems to me, in reality much dispute as to what the special and architectural character of the interior is, although there may be some dispute as to how it is appropriate to describe it. The consensus was that it was appropriately described as a twentieth century interior, albeit one employing a Neo-Georgian style sympathetic to Bedford's original. Mr Black wanted to stress how Bedford's and Ford's work were entwined together. However all the expert witnesses were describing the same physical features which together make up the interior of the church. The special historic character reflects the fact that the church is a post war restoration of a bomb damaged church, represents the first collaboration between Ford and Feibusch and was the church for the Festival of Britain.
226. The more difficult question is how significant that interior is. It seems to me that there are two particular matters which potentially detract from the significance of the interior (or, speaking more strictly, mean that it has intrinsically less significance than it might, in theory, have had). The first is that it is aesthetically deficient; or, alternatively, even though not actually deficient, is not something of high quality. The second is that it is comparatively recent work.
227. The reason why I identify the second matter is that it seems to me that if one is looking at work that is historic, it is likely to be inappropriate to suggest that it might be improved; whereas if it is recent then the same objection does not apply. I flagged the age of the work being considered as a potentially relevant issue in the present case as something upon which the parties might wish to address me. The Petitioners did not urge upon me that it was a matter relevant to my consideration and the Twentieth Century Society specifically said it was not a relevant matter. I think that the age of a building must be relevant to its historic interest: the older it is, the greater will be its historic interest. It would appear however to be irrelevant as regards its architectural interest. The relevance in the present case of the comparative newness of Thomas Ford's work is that it does not have as much historic interest as it would if it were older. However, as the submissions of the parties suggest, this does not seem, in the context of this case, to be an important consideration. I make this point because it might otherwise seem that the fact that the interior is comparatively recent **was** important. However if the Petitioners wanted to make a point relating to the age of Thomas Ford's work, it would have been necessary for it to have been articulated in the Statement of Significance. Against this background, I think the comment of the Twentieth Century Society that:

There is no doubt that if this were a church with a grade II listed interior from any earlier century, there could be no question of such radical and harmful interventions*⁵⁹

must give me pause; I must be careful not to attach less weight to the architectural value of the interior because it is modern. I have identified the particular historic interest of the church at paragraph 226 above.

228. As regards the second matter, in their evidence the Petitioners naturally wanted to emphasise the fact that Ford was presented with a challenge by the decision not to restore the galleries;

⁵⁹ Letter to the DAC dated 6 April 2015.

and said that, whether it was a challenge that he might have been able to meet or not, in fact he had not met it. The result was that, in their view, the church lacked focus at the east end.

229. One does not have to be an architectural expert to see the point that is being made and, as someone who is not an architectural expert, I sympathise with it. Certainly this is not a point that has been raised for the first time in the context of these proposals, being voiced, for example, by Dr Eeles even before Ford's restoration had been undertaken. However, clearly other views are possible, as expressed by the anonymous reviewer of the *Church Times* at the time and by Dr Powers in evidence before me.
230. However even if I were to hold that the church lacks some focus at the east end or that Ford's design was not entirely successful, it seems to me that this does not go to the heart of an assessment of the significance of the interior. The fact that there may be deficiencies in Ford's design does not mean that what he produced is not intrinsically valuable as it stands.
231. To make an assessment of that intrinsic value, it seems to me that the starting point is the Statement of Significance, to which Dr Filmer-Sanke spoke in evidence. He said that the significance of the Ford interior as a whole was High as were all the individual features of the Ford scheme identified in the Statement of Significance except the pulpit and lectern. Their significance was moderate-high, which, I remind myself, means important at regional level or sometimes higher.
232. This assessment receives some entirely objective corroboration from the assessment in 1996 by English Heritage at the time of the grant; and of course it is supported more recently by the views of Dr Powers, Dr Barker and Mr Black.
233. Having commented as a lay person that I sympathise with the view that the interior of the building is in some sense deficient, it is appropriate to say that I am also sympathetic to the view that Ford did an excellent job within the constraints that were imposed upon him. This goes to support the view that was expressed before me as to the high value of the interior.
234. Thus no-one argued before me that the alterations might be permitted in the present case because the interior was not of high value. In the light of this consensus of architectural views, the argument shifted to whether the interior of high value would be harmed if the works were permitted.
235. The Petitioners' case may be put shortly. It is that the proposals keep the best parts of the Ford restoration (the Holy Table, the candlesticks, the murals, and the ceiling) and that removal of what was identified as the weaker elements (the chapel and vestry and the pulpit and lectern) does not amount to significant harm. The Party Opponent, Dr Barker and Mr Black all thought that there would be significant harm to the Ford interior, viewing it as a whole. Mr Russell identified harm to the removal of elements of the Ford scheme (indeed great harm and harm assessed as being high) but he was careful to refer to elements of the Ford scheme rather than to express a view about the harm to the interior as a whole.
236. The DAC spoke of the transformation of the interior. It seems to me that the proposals do represent radical change to an interior that was conceived as a single scheme of restoration and, as such, is an integrated whole. The consensus of opinion is that that scheme as whole

has high value. This being so, it seems to me difficult to maintain, subject to one matter, that significant change to – transformation of – the interior does not represent significant harm to the interior of the church. If you are transforming something you are not preserving it. It is here that I prefer the evidence of Dr Powers, Dr Barker and Mr Black to that of Dr Filmer-Sankey. It seems to me that the difference between the views of Dr Filmer-Sankey (and, to a degree, those of Mr Russell) on the one hand and those of Dr Powers, Dr Barker and Mr Black on the other are not differences of expert opinion as such (ie as to the underlying facts themselves) but as to the appropriate approach to those underlying facts. I accept that judgments of this kind necessarily involve questions of fact and degree which may explain why Dr Filmer-Sankey has taken the view that he has done. However it seems to me that it is not plausible to contend that the proposals will not involve significant harm to the Thomas Ford interior. I do appreciate, as Mr Ormondroyd reminds me, that not all change is harmful; but if high value is put upon the entirety of a matter and the large elements of that entirety are changed, then I think that any change which is not modest is bound to be harmful. If one wished to argue to the contrary one would have to say something along the lines that although parts of the Ford scheme were of high value it was not of high value as a whole; or that viewed as whole it was of less than high significance because there were some parts that were weak. I accept that it is now said by the Petitioners that some parts **are** weak and there may be some force to their criticism of Dr Powers that he did not separately analyse the contribution of the parts to the whole. Dr Powers however did in detail and coherently explain why he thought the whole had merit and he was unimpressed by the suggestion that it was in any way deficient. As it is the argument is not that the interior does not have high significance but that that significance is not significantly harmed by what is proposed. I do not accept this proposition.

237. I do note that the Petitioners' case in respect of the impact of change is supported by the DAC who say in terms that *the aesthetic value of the [Ford] scheme does not depend on preserving its integrity as a physical entity*. It seems to me that the DAC (or least Mr Bates) does not ascribe a high value (or very high value) to the Ford interior, which makes this conclusion more understandable. But the witnesses that I heard did attach a high value to it, with the possible exception of Mr Russell (whom I note did not seek to draw my attention to any shortcomings in it). I do not think that I can go behind the consensus that the interior is of high value. I am fortified in this view by the fact that I am thereby adopting the view of Historic England and the local planning authority as well as that of the Twentieth Century Society.
238. This view expressed at paragraphs 236 and 237 above is subject to the possibility that the works might represent an architectural improvement to the interior. It seems to me that that there are two ways in which this might work. The first is that there might be improvement to the interior as designed by Thomas Ford. The second is that there might be improvement to the interior generally. The first possibility is that there is an incremental improvement – so that, for example, the removal of the Victorian screen in *Duffield* (although a significant change) did not adversely affect the architectural significance of the church. The other is that there is an improvement by way of significant change which does adversely affect the architectural significance of the church but which, nonetheless, may be viewed as an improvement. It will be appreciated that this was thrust of Mr Parry's evidence. I realise, of course, that he began by criticising Thomas Ford's restoration so that, from his perspective, he did not think that it did have a high value. But he then went on to explain what he saw as the architectural merits of his scheme. The scheme will possess these merits (if his evidence be correct) whatever the merits of the Thomas Ford restoration and if his proposals are judged better than the Thomas Ford scheme then this can be argued to be a benefit to offset against the harm to the Thomas Ford scheme.

239. It seems to me that having reached the conclusion that the Thomas Ford restoration has a high value and that the proposed scheme will cause significant harm to that scheme viewed as a whole, it is not really possible on the same facts to argue at the same time that there are offsetting benefits to that restoration. It **would** be possible so to argue if there was an individual element within the scheme that was unfortunate. In these circumstances one could then say that, although there is damage to the scheme overall, there is benefit from the removal of that unfortunate element. However the Statement of Significance and the evidence before did not identify any such unfortunate element. It was not suggested that there was anything in the Thomas Ford restoration that was positively detrimental to that scheme or generally to the interior. It is not to identify positive detriment to say that it would have been better if Thomas Ford had put back the balconies or something similar or to say that the vestry and chapel represent weaker elements of these scheme or that the pulpit or lectern are only of moderate significance. Thus I do not think that that there will be any offsetting improvement to the interior of the church in what might be called the “Duffield” sense.
240. As to the possibility of an improvement despite the fact that that improvement causes harm to the building, it seems to me that, in principle, this sort of improvement ought to be regarded potentially as a benefit to be offset against harm at the stage at which all the benefits of the scheme are being weighed against the harm; and not at the stage where the extent of harm is first being assessed. The statute attaches value to a listed building as it stands and seeks to preserve it; and the statutory position has informed the approach of the Court of Arches. This being so, it ought not to be possible to argue that the intrinsic benefit of improving a listed building may offset the harm arising changing it: it is not apt to say in these circumstances that there is no harm.
241. Setting aside for the moment the way an intrinsic benefit by way of improvement to a listed building should be assessed, there was disagreement as to whether Mr Parry’s scheme was an intrinsic improvement. In this regard, Dr Barker accepted that there could reasonably be more than one view. The problem was that judgments of this kind are inherently subjective and it is only in the light of history (and if the works are executed) that one can tell who was right. It was wrong, he said, to allow a subjective judgment as to architectural merit to outweigh demonstrable harm. The Petitioners did not challenge this: in his closing Mr Ormondroyd said that *Dr Barker made a compelling argument that changes to listed buildings could not be justified on the basis of aesthetic improvement* and *[t]he Petitioners do not invite the Chancellor to grant the faculty on the basis of a purely aesthetic comparison between Ford and Parry*. I think that this concession was properly made; against the acceptance of the subjective nature of the exercise, I think the position in the present case (whatever it might be in others) is that the Petitioners have not demonstrated an intrinsic architectural benefit arising from the scheme. It may be noted that Dr Filmer-Sankey did not seek to argue for an elimination or reduction of harm based upon the intrinsic merits of Mr Parry’s proposals⁶⁰.

⁶⁰ I note here that one matter was clarified before the proceedings began. The Petitioners were not arguing that the proposals, by putting back the galleries, represented an improvement to the listed building by restoring the building to an earlier form (i.e. as designed by Bedford, with galleries); and indeed the new galleries are obviously too far removed from what Bedford designed for this to be a possible argument. If this **had** been the argument, the proposals would not have passed the secular test for such restoration as set out at paragraph 117 above. In the light of that policy, it does seem to me that it is difficult to argue that putting back something that reflected something of Bedford’s design aims (if that is how Mr Parry’s scheme were to be viewed) could be a benefit to the listed building **as such**. It might nonetheless be viewed as an improvement; but then the question arises as to how such a subjective matter is to be judged.

242. Pausing at this point, it will be seen that the subjectivity of any assessment of Mr Parry's scheme potentially cuts two ways. Mr Ormondroyd submits, and I accept, that the Twentieth Century Society has not demonstrated, and the evidence of Dr Barker and Mr Black has not demonstrated, that there will be any intrinsic architectural **harm** arising from implementation of Mr Parry's scheme that is additional to harm arising to the Thomas Ford interior. I am not sure, however, that this "what is sauce for the goose is sauce for the gander" argument necessarily means that I should disregard potential harm arising from Mr Parry's scheme (harm which in the expert view of Dr Powers, Dr Barker and Mr Black would arise). I consider this aspect further at paragraph 257 below.
243. I have found that there is significant harm to the high value interior of the building. This means that applying the Duffield guidelines there is a strong presumption against the proposals. The church being listed Grade II*, I need to go on to consider whether that harm is serious, with the result that, if it is, that harm should only exceptionally be permitted.
244. It seems to me that the significant harm that I have described above is serious; I think that if I were applying paragraph 132 of the NPPF, I would consider that it was substantial. This is because the proposals will have a substantial effect on a high value interior viewing that interior as a whole. This judgment is of course informed by what I have said at paragraphs 231 to 242 above.
245. Accordingly, applying the approach to serious or substantial harm identified at paragraph 213 above, I think that there is a particularly strong presumption against the proposals (i.e. a presumption against the change which is stronger than a strong presumption)⁶¹.
246. This is the background against which I assess the public benefit arising from the implementation of the proposal.
247. This assessment becomes the most difficult aspect of the case.
248. I think the first thing to note is that I am called upon to consider not what the need for the proposals is but whether their justification outweighs the harm arising from them. That justification is potentially not derived from a consideration of the **need** for the proposals but from a consideration of the **public benefit** arising from them. Public benefit may encompass need but is evidently not limited to it.
249. I need also observe at the outset that, as far as the Petitioners are concerned, I should not have reached this point. From their point of view their proposals enhance, or at least do not detract from, the interior of the church. They are perhaps unlikely to change their minds about this, even though I hope that they will understand my reasons for reaching a different view. However that may be, they will want me very carefully to address the question of whether the

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Mr Pike urges upon me paragraph 133 of the NPPF which he submits is relevant if I considered that the harm was serious/substantial. I think that its terms for permitting change on the basis of public benefit would not be met if it did apply or I were to say that it applied by analogy. But I do not think that I have to make a determination about this.

public benefit arising from the proposals justifies the harm to the listed building that I have identified.

250. I think there are two aspects to this. First of all, I need to consider the immediate benefits arising from the proposal. Second, I need to consider “the bigger picture”: the aspiration of St John’s to become a “flagship” church, the “St Martin-in-the-Fields” of the South Bank.
251. I understand the defects of the current arrangements from the point of view of the worshipping congregation and how they would like to worship in a space that is less barn-like. Dr Powers observed that a barn-like church is not necessarily a bad thing and pointed out that the Earl of Bedford’s brief to Inigo Jones in respect of St Paul’s, Covent Garden was to create a barn⁶². But a comparatively small congregation does not like worshipping in the large space that the word “barn” conjures up. But there are degrees of need, and congregations often have to worship in conditions which are less than ideal. One of the reasons for this may be because the building that they worship in is listed. One is very familiar with the constraints that pews can impose upon the flexible use of a church building – not a problem that arises here, as Mr Black pointed out. It is difficult to “get a handle” on how great the problem is. One way, of course, is by attending a service; something of course which I did. Without discounting Canon Goddard’s concerns, I would not regard the service I attended as liturgically unsuccessful. Further I recall that the restoration of the church was pursued to completion in 1998 (with the assistance of public funding) on the basis of bringing everything back to how it was in 1951. I appreciate that this was now nearly twenty years ago (and the planning of the work would have begun before then) but the point is that all the deficiencies that are now relied upon would also have been evident then. I do not know what particular expedients Canon Goddard’s predecessor used to make the space work (it evidently did not involve using the pulpit and lectern). As of now, they involve using a Holy Table in front of the Holy Table at the east end, dispensing with the communion rails and pushing the pulpit and lectern to the side of the church. This is a much less radical intervention than what is proposed. I note what Mr Risbridger says but I do not regard worship in these circumstances as not honouring to God (although there may be scope for improving the arrangements, e.g. the provision of a better second Holy Table). One can see that the congregation might prefer the new Lady Chapel to the old, but they do have a Lady Chapel at the moment; and the new chapel would in large measure replicate the old one, albeit it would facilitate a different orientation of worship. The WCs would better located in most ways if they were not in the vestry; but the church does have accessible WCs (which were installed comparatively recently (with the assistance of public funding)). The congregation would benefit from better acoustic arrangements but it the provision of a better acoustic is not primarily a requirement of the congregation.
252. The requirement for an improved acoustic stems principally from the desire to provide a better space for secular performance. I entirely accept that provision for a secular use can form part of the public benefit that forms the justification for the grant of a faculty. However it is necessary again to see this context. It is not as though the improvement in the acoustic is necessary for the use of the building for concerts and the like. As Mr Murphy explained⁶³ the church is already used for these things. The desire to improve the acoustic may be reasonable in itself and indeed is likely to be a requirement if higher quality performances are to be staged but it is not necessary to make performances possible in the first place.

⁶² See Horace Walpole *Anecdotes of Painting in England* (1762 -71) Vol II, pp 142 -145. Jones’s response was to design “the handsomest barn in England”.

⁶³ See paragraph 89 above.

253. There is the further point of course that there may be other ways of improving the acoustic to the required standard.
254. The desire for better storage is readily understandable but it would have to a very strong need that of itself would overcome serious harm to a listed building.
255. Paragraphs 251 to 254 are looking at the matter narrowly. Canon Goddard would say that the scheme is ultimately about much more than creating a better atmosphere for worship, or performance space or providing better storage facilities. It is about a larger plan to equip the church for mission and to serve the wider community. I understand these points and, in a very real sense, the last thing I want to do in is to frustrate carefully thought out plans to move the church forward in this way. But these wider plans are not necessarily the **only** way of bringing about these wider benefits. If I were to hold that they were sufficient, I think I would come near to holding that any proposals which were reasonable and sensible in themselves would outweigh serious harm to a listed building. I think that this would not reflect the strong presumption against change which the Court of Arches requires me to apply. There is nothing wrong with the wider vision – it is entirely right to have and to pursue such a vision – it is just that it does not form the direct justification of what is being proposed. I do not discount it as weighing in the scales in favour of the proposals but I do not think that in the present case (together with the direct benefits of the scheme) it outweighs the substantial harm that I have identified. I do appreciate Canon Goddard’s point that it may be easier to raise funds for a big, eye-catching scheme rather than one which is more conservative, but this in itself can hardly be made the justification for harm which smaller projects would not cause.
256. I think I should here note the Archdeacon’s evidence, which was important as supporting Canon Goddard’s wider vision and with which, as I have made clear, I am completely in sympathy. It is of course indisputable that the church is not a museum. Moreover, it is well recognised that it is undesirable if the use of an historic building has to be changed because the purpose for which it is designed is no longer viable. Whatever the position that may arise in respect of proposals for change if a building continues in use as a church, if the use is changed, serious interventions in the historic fabric are likely to become necessary and the building will be viewed through the medium of a potentially unsympathetic different use: imagine St John’s turned into a pub, for example. But the Church can only have complete freedom to alter the interior of its buildings if they are unlisted. More specifically, section 1 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 and the indisputable importance of considering the role of a church as a local centre of worship and mission does not modify the considerable importance and weight which attaches to the desirability of preserving listed buildings; it is, rather, an articulation of a potential reason (which must be considered) as to why it may be appropriate not to preserve them. It seems to me that if and so far as one is examining its qualities as a listed building and applying for that reason presumptions against change one is necessarily examining what may, in one light, be viewed as its museum-like qualities. The challenge for the Church is to seek in its mission to build on the aspects of its listed buildings which are not readily susceptible of change. That this is not a “one way street” is illustrated in the present case by the public funding that has been made available to repair and restore the building.
257. I should add this. At paragraph 241 above, I explain that I am not taking into account the potential aesthetic benefit arising from the proposals. However this, on the face of it, also means not taking into account harm arising from the proposals by virtue of any intrinsic

deficiency in them – and of course it was urged upon me that the proposals were intrinsically deficient. I have now heard evidence from Dr Powers, Dr Barker and Mr Black which express critical views about Mr Parry’s scheme. It would be one thing potentially to approve the proposals on the basis of an overriding public benefit (which might – had there been agreement about it – have included aesthetic benefit), it would be another to approve them in circumstances where they **could** be detrimental to the interior. Dr Barker recognised that there were other views besides his own and that only time (if the proposals were permitted) could tell who was right. I appreciate that the views by way of criticism of the aesthetic merits of the scheme might be misplaced. However the **possibility** that the proposals might be intrinsically aesthetically harmful is something that properly can give the decision maker pause. This said, in this case I have not based my determination on a finding of possible harm in respect of any intrinsic deficiency in Mr Parry’s scheme.

258. Against the background of what I have said in paragraphs 219 to 257 I now turn to consider in terms the *Duffield* questions.
259. I consider first what is the special architectural and historic interest of the church.
260. As regards the special architectural interest of the church, it is, first and foremost, a fine Georgian church in Greek revival style, originally designed by Francis Bedford. Its exterior retains the appearance of that church. The church was bombed in the war and the interior was restored and remodelled by Thomas Ford in a Neo-Georgian style employing motifs similar to those found in the original building; providing a vestry, chapel, pulpit and lectern, Holy Table and rails, and candlesticks; restoring the original wall frame for the Holy Table (including a mural by Hans Feibusch); and replacing the East window with a mural by Hans Feibusch. The restoration and remodelling gives the interior special architectural interest, and determines the character of that special interest.
261. As regards the special historic interest of the church is, first and foremost, a fine Georgian church, dating from 1823 – 4. The church was bombed in the war and the interior was restored and remodelled by Thomas Ford with murals by Hans Feibusch. The church was used as the church for the Festival of Britain. It is of special historic interest as an example of a post war restoration of a bombed church, an example (the first example) of the work of done together by Thomas Ford and Hans Feibusch, and as the church used for the Festival of Britain. The character of that special historic interest derives from the continued existence of the works of restoration. Historic England guidance suggests that it is helpful to consider evidential, historic and communal value which, as I have suggested, may be viewed as essentially different aspects of historic significance. In this context, I do note that although the part of the historic significance of St John’s is that it was the Festival of Britain Church, its Neo-Classical interior does not reflect the style of the Festival of Britain⁶⁴; and Feibusch’s murals, although they do seem to be of their time, are again not in Festival of Britain style. I think if it **did** reflect that style, its historic interest would be the more. But it is still one of the only two buildings remaining from the Festival of Britain (the other being the Royal Festival Hall) and derives interest from this fact. Historic interest will always be preserved, to a degree, by preservation of **some** of the historic fabric (and mitigated by the taking of a photographic record); but if there is special historic interest in the whole of the interior, there is considerable importance and weight attaching to the desirability of preserving the whole.

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There **is** such a church: Christ Church, Cheylesmore. Co-incidentally in the week of the hearing, the *Church Times* published a picture of it, first published in *England’s Post War Listed Buildings* by Harwood and Davies (2015) at p124.

Mr Ormondroyd, basing himself on something Dr Barker said in evidence⁶⁵, suggests that the test is that there is no significant harm if *some semblance* of the original building survives. I do not think that this is the appropriate test⁶⁶ since, if it applied, it would mean in any case that the majority of a building of historic interest could be destroyed if some part survived.

262. The interior is of high significance as a whole. I have some sympathy for the view expressed by Mr Black that architectural and historic interest are intertwined. I think for purposes of analysis (and as *Duffield* makes clear) it is helpful to differentiate the two concepts – in some cases, after all, the building being considered might have no architectural interest. Bearing in mind that it is possible to “over analyse” the situation, I think that I should say in terms that I consider that the high significance as a whole is made up of both architectural and historic interest.
263. I am not required to reach a determination as to whether the pulpit and lectern are of high significance or, as Dr Filmer-Sankey contends, are of moderate-high significance, and it does not seem to me that the difference between the two assessments could be determinative. I should however say something further about the pulpit and lectern.
264. There is an argument about the functionality of the pulpit and lectern. It seems to me that this is not central to my consideration. At the time of the listing of the building there might in theory have been an argument that because the lectern and pulpit were not functional – did not have any practical use – the building was less worthy of listing than it otherwise might be. But it **was** listed; and when the listing description was expanded in 1981, the pulpit and lectern were included in that description. Moreover I am not persuaded that at the time of listing the pulpit and lectern were not functional. The documentation shows that when the proposals for restoration were drawn up the Vicar at the time was involved. The fact the pulpit and lectern were pushed back for what would have been a very special service of dedication in 1951 does not speak to the position that would have obtained in weekly parochial use. In evidence I floated the idea that the pulpit and lectern would have been well suited for the celebration of Morning Prayer, which would have been likely to be the main Sunday service on 1951. Examination of the Parish magazine showed that the Eucharist was the main service. Nonetheless it seems to me that in that context there is no reason why the pulpit and lectern could not have been used – for the reading of the epistle and gospel, if not the preaching of the sermon⁶⁷. This would in some sense overcome the sense of distance that there would otherwise have been if those involved in the celebration of the Eucharist had remained around the Holy Table. I appreciate that what was actually done must be speculative, given that no –one can remember that far back. But if the Vicar did not then use the pulpit and lectern it seems to me that this was his choice rather than something relating to the inherent lack of functionality of the pulpit and lectern. By the time the list was amended specifically to refer to the pulpit and lectern, it seems likely that they were not being used but they were referred to nonetheless. It seems hard to believe that the Secretary of State (or the person assessing the building for listing purposes on his behalf) would either in 1951 or 1981 have been very concerned about their functionality⁶⁸.

⁶⁵ At paragraph 5.4 of his Statement.

⁶⁶ Strictly speaking this is a matter going to third *Duffield* question.

⁶⁷ There is an irony here in that the proposals before me include utilising the secondary stairs to the northern balcony to provide a raised pulpit; which is not called for by any of the liturgies currently observed in the church.

⁶⁸ Dr Powers points out that that twin pulpits/lecterns (“ambos”) may have been promoted after the war as a practical liturgical response to the use of churches and cites Addleshaw and Etchells *The architectural setting of Anglican worship* (1948). As he accepted, it must be speculative whether these

265. It seems to me that it is more significant to my consideration that the pulpit and lectern are not in the positions where Ford intended them to be and the communion rails have temporarily been removed. I think that the correct approach to this is to regard these matters as a practical response to facilitate use of the building rather than as argument for further change (because Ford's interior is already compromised to this extent, it won't harm so much to compromise it some more). Mr Black's response was to say that it was just this sort of limited modification to make the church work that was permissible in order to avoid more sweeping changes. What he would like would be for the pulpit and lectern to be made more easily moveable; and for them to be moved back to where Ford intended them to be when the interior was not being used for services or for performances. Being realistic, this may not happen. Thus it is possible to argue that the harm to Ford's interior will be less because an element which he designed to assist the east-west focus of the church does not function as he intended⁶⁹. But if impaired, it still seems to me that Ford's interior retains its integrity, and it seems to me that it is to that that harm would occur if the scheme went ahead.

(1) *Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?*

266. In the light of the discussion at paragraphs 219 – 243 and 260 – 265 above, I answer this question “yes”.

(1) *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) 7 PD 21 , 26–28, and the review of the case law by Bursell QC, Ch in In re St Mary's Churchyard, White Waltham (No 2) [2010] Fam 146 , para 11. Questions 3, 4 and 5 do not arise.*

267. I think that Questions 3, 4 and 5 do arise.

(3) *If the answer to question (1) is “yes”, how serious would the harm be?*

268. In the light of the discussion at paragraphs 219 – 243 and 260 – 265 above, I think that the harm would be serious. The integrity of the Ford interior will be severely compromised.

(4) *How clear and convincing is the justification for carrying out the proposals?*

269. In the light of the discussion at paragraphs 246 to 256 above, I think that the justification is clear and convincing as far as it goes but, for the reasons I have explained, I do not think it is sufficiently convincing.

(5) *Bearing in mind that there is a strong presumption against proposals which will adversely affect the special character of a listed building (see In re St Luke the Evangelist, Maidstone [1995] Fam 1, 8), will any resulting public benefit (including matters such as liturgical*

considerations were in play in Ford's mind when he was designing the restoration. But the existence of these arguments for ambos does cast some doubt on the pulpit and lectern being redundant from the outset.

⁶⁹ I do not think that the suggestion which was made by Canon Goddard at the time that the pulpits were moved, namely that their relocation strengthened the east/west focus, is correct.

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.*

270. I have formed the view that, for the reasons I have given, an exception should not be made in the present case.
271. For completeness I should add that I have not overlooked the point about reversibility. It is difficult in fact to imagine circumstances when, once lost, the Ford interior would ever be put back. If I postulate that the present proposals were executed and the desire arose to restore the church to an earlier historic form, one might guess that the preference would be to restore the church of 1824 rather than 1951. However this may be, the fact that the proposals are reversible must be a modest matter in their favour or, as I would still prefer to say, addresses an objection which would otherwise exist. But the point does not seem to me to be of great importance in the present case where, if the proposals go ahead many thousand pounds will be spent on altering the interior of the church. This surely means that if there is harm arising from the proposals, that harm will go without remedy for the foreseeable future. The proposals I am considering are not *readily* reversible.

OTHER MATTERS

272. Neither Historic England nor the Twentieth Century Society ruled out the possibility of an intervention in the church to provide galleries of some form. This might appear to be an important concession since it could be said that neither opposed the provision of galleries in principle. However it was apparent that neither Historic England nor the Twentieth Century Society were keen on the idea and that what they were doing was trying to find a compromise which might accommodate the Church's requirements but which would not damage the church as much as the present proposals. It would not be fair to try to make this willingness to compromise a matter that supports an argument that what is proposed is not harmful. The potential significance might be if it suggested a compromise way forward which might satisfy everybody. Unfortunately the shorter galleries which Historic England and the Twentieth Century Society envisaged did not appear to be of much interest to the Petitioners (no doubt for good reasons from their point of view).
273. In my conclusion that there would be substantial harm flowing from the proposals I have not identified harm from the removal of a ceiling panel to provide top lighting for the Feibusch mural. If I were persuaded that there were harm resulting from this, it would, of course, be easy to dispose of that ground of objection by declining to grant a faculty for this element of the scheme. I think that, had I been minded generally to grant a faculty for the proposals, I would have been minded to reserve this element for further consideration. My preliminary view is that the top lighting proposal does involve harm to the interior as it stands but that if (contrary to my view as to the harm that would cause) Mr Parry's scheme were to be permitted, there would be a strong argument for permitting the top lighting as part of a radical re-ordering of the interior. I would not want Mr Parry's scheme to fail (if it were implemented) by way of half measures. But in saying this I am very mindful of the reservations of the Church Buildings Council who base their support for the scheme very firmly on Mr Parry's skills but who do not support this element. A similar point arises in respect of the colour scheme that would be appropriate if the proposals were permitted and which similarly the Church Buildings Council does not support. In these circumstances, I

would have made details of the new colour scheme a matter of condition. There is a strong argument that changing the colour scheme would be harmful; it certainly appears to be a radical change. However, once again I am very conscious that if it were to be implemented one would not want Mr Parry's scheme to fall between two stools – that is, to fail to satisfy the requirements of conservation at the same time as not achieving the full benefits intended to be derived from Mr Parry's scheme.

274. Even though I am not prepared to grant a faculty for the works which have been contentious, it would be possible for me to grant a faculty for the uncontentious works if the Petitioners desired this. If this is desired, it may be able to deal with this aspect of the matter by way of written submissions.

COURT COSTS

275. I would propose to make an order that the Petitioners pay the Court costs. The Petitioners may make written submissions on this within 14 days if they propose some different order.

CONCLUDING REMARKS

276. It seems to me that the situation facing the Petitioners as they sought to identify ways to enhance the church building to forward their mission was a difficult one. They consulted all the heritage "stakeholders" and carried the DAC and CBC with them; although there may have been some voices of reservation, the DAC seem to have particularly encouraging. However as they moved forward they knew that they had not overcome the objections of Historic England, the local planning authority and the Twentieth Century Society. These were evidently of some weight and, in the event, they have prevailed. They will always have appreciated that the risk that a different view to their own might prevail.
277. Nonetheless I realise that my decision will be deeply disappointing to Canon Goddard and his dedicated team and to the congregation. St John's Waterloo is remarkable building and is perhaps unique. In terms of a base for the worship and mission of the church it has strengths and weaknesses and, as I found, is subject to significant constraints in the way that it can be developed. The Petitioners will want carefully to consider the way forward in the light of this judgment. It is my hope and prayer that in due time that way will be found.

PHILIP PETCHEY
Chancellor
14 February 2017