

IN THE CONSISTORY COURT

of the DIOCESE OF LIVERPOOL

In the matter of St Bridget with St Thomas, Wavertree

Judgment on faculty petition for re-ordering works

Introduction

1. A faculty is sought in respect of significant internal reordering works at the church of Saint Bridget with St Thomas, in Wavertree, which is a grade II* listed church building near to Liverpool city centre.

2. I visited the church in December of last year and had an opportunity to discuss the proposals with representatives of the petitioner and in particular some issues of potential controversy with the heritage bodies who had been involved in consultation. It was clear at the time that further responses were required from the heritage bodies in the light of the petitioner's own detailed analysis addressing those areas of concern which had been carried out in collaboration with the DAC and the appointed architect, and providing revisions¹. Further, there were no costings available which would have been necessary if the question of affordability was to be taken into account.

3. Regrettably thereafter there appears to have been a delay in the resubmission of the petition through the online faculty system (OFS) to enable me to make my determination. For reasons which are not entirely clear, a response from the Victorian society was only received in September of this year, and there have been no additional responses from either Historic England or the CBC. In May, I received the estimates directly to my e mail from Reverend Liz Roberts and I forwarded them to the Registry, with a request that the petition be uploaded to the OFS to enable me to consider the matter further, when any additional heritage body responses were available. Correspondence was then sent to me in late summer which suggested that there may have been a misunderstanding on the part of the Registry that I was yet to make a site visit, and understandably when the same request was submitted by the Registry to the petitioner to allow this to happen, quite properly the petitioner expressed concern and dismay that the matter

¹ I am referring to the 22 page document in various coloured fonts

was taking so long to be resolved. I understand that apologies have been given in respect of the delay.

4. There are no parties opponent, and no formal objectors, but the nature of some of the criticisms raised by the heritage bodies require a careful consideration of this petition under the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 and the application of the appropriate criteria to ensure heritage protection.

5. I now have all the material I need for my determination, and accordingly provide this judgment.

Background

6. The church was constructed in 1872 from a design by EA Heffer. St Bridget's was the only church designed by this architect in Liverpool, and it is unique in several respects. Externally it is not particularly prepossessing. Construction is of common brick with red and stone dressings and some blue brick banding. Were it not for the rounded windows and the rather impressive and distinctive tower which is a local landmark, it might be mistaken for an industrial building. However it is the Italianate interior of the church which is so striking and which has undoubtedly contributed to the protected status of the building. The former diocesan heritage officer, Ian Simpson, who was a parishioner, prepared a detailed statement of significance describing the important features, and I provide an appropriate extract below:

"Entering the church the Italianate design of the interior is immediately obvious; the author has heard anecdotally that St Bridget's is based upon a real basilica in Italy although he has not been able to identify the church concerned. Looking upwards, one can see the deeply coffered and richly ornamented ceiling. The current decorative scheme dates from 1966 and was executed by Campbell & Smith.

The pillars carrying the arcades are of scagliola, not marble as is often supposed, but they are no less beautiful for it. Each is topped with a capital, alternatively of oak and acanthus leaves. The arcade arches are, like the windows, round-headed creating an extremely harmonious effect visually. The aisle ceilings are coffered half-tunnel vaults.

The Apse contains the superb mosaic Reredos. This is by Antonio Salviati of Venice (1816-1890) and depicts The Last Supper, after Da Vinci. The five East windows are at a slightly lower level than the clerestory windows but are of the same shape and size. Also in the Apse is the free-standing Altar. At the West end is the Font. Faculty records show that this font (in which the author was baptised in 1971) was made for St. Bridget's Church in 1890. A beautiful piece in marble whose appealing mosaic depictions of a fish lend a unique character....

Pevsner (1969) notes the Pulpit as the only place in the church where Gothic detailing may be seen. It is an impressive piece, of marble and stone, although it is rarely used liturgically nowadays..."

7. Historic England, in its initial response to the secretary of the DAC Mr Leggett, on a request for consultation, said this:

"It is a very fine example of the extensive church building of the later 19th century, often constructed as the result of wealthy benefactors eager to contribute to the ecclesiastical requirements of growing urban centres..."

8. There is no doubt that the Italianate columns which are impressive in appearance are a major internal feature and should be a foremost consideration in terms of the historical and architectural significance of the church.

9. The parish proposed some extensive internal reordering centred around the space to the rear of the nave and in the Porch/narthex area. The fine detail of those works, which are described as phase 1 works, (thus anticipating that in the future there may be additional refurbishment), are specified on the comprehensive plan provided by Condry Lofthouse, the appointed specialist church alteration architects. The summary of the proposed reordering on the OFS does not do justice to its extent, being simply “extend kitchen, create outbreak room, adapt doors”, but the petition is more specific:

1. Extend kitchen space and replace fixtures and fittings; re-site hatch door in floor for access; install manual extractor fans to existing windows; install combi-boiler to supply hot water to kitchen and existing toilets
2. Create a breakout space for children's work and meetings
3. Remove and store two internal access doors; install glass panels in remaining doors; install automatic push panel openings
4. install grab rail to aid disabled access to existing toilets; replace flooring to existing toilets; install emergency cord within existing toilets

10. Like most internal re-orderings these days, the petitioner acknowledges its ageing congregation and falling numbers, and wishes to enhance the church’s community role, providing facilities to complement its mission. The most recent statement of need says this:²

“The PCC of St. Bridget with St. Thomas (SBT) recognises the need to utilise its building for missional purposes in the community; it also is aware that in the 21st Century our wonderful Grade II Listed building needs to earn its keep. It cannot rely solely on the giving of the congregation which, after all, is socially and demographically representative of the parish from which it is drawn.*

At the same time there is a real need within our impoverished community for a safe, welcoming and uplifting public space which can host activities and act as a focal point for those who are working to counter the narrative of high crime, high deprivation and poor social cohesion in and around the Lawrence Road area of the parish – such events would enhance the general well-being of the community and provide opportunities for socialisation for young and old alike. The church has recently developed mutually beneficial links with two local secondary schools and a local health centre. A particular focus of ministry at SBT in recent years has been on mental health and well-being and – and again this is representative of the situation in the parish – a number of people with serious mental health issues have joined our congregation. There is a need for a safe, non-clinical, non-threatening environment in which therapeutic and preventative activities aimed at improving well-being can take place; these would include a lunch club/drop-in for the local community.

We also undertake a lot of ministry among the elderly folk of our community including providing a Christmas dinner plus entertainment for around 60 – 70 older residents from the community. Improved kitchen facilities would enhance this provision.

A developing children’s Sunday School is currently limited by lack of a designated space where the children can express themselves. There is a lack of a small room for meetings both with and for the church and the community.”

² This is not dated, but it was prepared response to a criticism from Historic England that the statement of need required greater elaboration.

11. Although there are three major areas which have been the subject of the most attention in progressing this faculty petition, the kitchen, the breakout room and the entrance area where there would be refurbishment to the toilets and replacement of the doors, inevitably in the course of refining the details of the reordering, the need for other works has arisen. In most cases where there are minor tweaks, including additions or revisions leading to removal of items, these can be included, if the faculty is granted, within the general description of the work provided. However, issues have arisen in relation to the font, which is the original font from 1890 (see statement of significance above).

12. As part of the work to be undertaken to the floor area and immediately in front of the narthex, it was considered that the concrete plinth to the font presented a potential hazard, with a risk of a tripping injury, or children using the plinth for clambering and the like and therefore a proposal emerged to remove the font in its entirety from its current position, and to place it against the West wall of the church, allowing baptisms which currently use a moveable font to take place in a more appropriate position, with the Minister facing the congregation. Currently the concrete plinth has been encased in timber, on top of which is some carpeting has been placed, with the base surrounded by a fabric curtain. I would regard this as a more major item of work, and if the subject of faculty grant, currently it is not covered by the existing petition. I will deal with this later in my judgment.

13. Although not uploaded to the OFS, but seen by me separately after they were sent by email from Rev Roberts, are the estimates which the petitioner has obtained for the proposed works. These range from approximately £85,000-£200,000, although none, as yet, include the cost for the removal of the font. The petition indicates that there is currently £63,000 available to the PCC to pay for these works. Clearly, therefore, there is presently a funding shortfall.

Issues raised by the Heritage bodies and the Petitioner's response

14. It is fair to say that Historic England, the CBC, and the Victorian society who have been consulted in the process so far are supportive in principle of the need for reordering, and the adaptation of the internal space of the church to create a broader community use. Therefore there is no direct opposition as such. Instead, the concerns have been centred on certain aspects of the proposals, which it is believed could better enhance the historic features, particularly the Italianate columns.

15. The first response came from Historic England in October 2023. Perhaps surprisingly, the author of the letter Mr Brazier, did not make any reference to the impact of the extended kitchen and the new breakout room on the columns. Instead he focused on the removal of the outer doors from the narthex to the nave and the retention with partial glazing of the inner doors. He posed the question:

“The application also seeks to remove the outer pairs of existing timber doors to nave from the narthex while it is understood these may be heavy and difficult to open, can an automatic opener be used instead, allowing the retention of the timber doors? We note that the proposals seek to retain the inner doors and use openers for those, it is not clear why the same approach cannot be taken in relation to the other sets of doors.”

16. There were two other items of concern. The first related to the narthex floor, in respect of which a vinyl covering was proposed as part of the toilet renovation. The identification of a possible 19th century tiled floor at least in part justified some further investigation, in the view of Mr Brazier, on the basis that it would be inappropriate to cover this if it was of historic interest. He also commented on the font plinth, identified as concrete, and advised that a further investigation was carried out into its provenance. Of course, as I have indicated above, the removal of the font has not yet been included in the faculty application, only arising in the course of revisions, and discussions with the DAC as to the best use of the community space.

17. The petitioner, in conjunction with the PCC and the appointed architect addressed these concerns and several that have been raised by the DAC.³ It was suggested that if appropriate, on investigation and the obtaining of specialist advice, any historic floor would be preserved and not covered in vinyl. In respect of the font, a photograph was provided which showed the stepped concrete platform which was the configuration before this was encased in timber and concrete to prevent access by children and the general tripping hazard it created. It was also pointed out that in its current position, whether or not the concrete/stone steps were exposed, the font would encroach significantly into the community space, thus defeating the purpose of opening out the rear of the nave.

18. In respect of the outer doors, which the petitioner proposes to remove and store but not dispose of, in its response document the petitioner pointed out that the purpose of an automatic opener for the inner doors, and the removal of the outer doors was not only to increase light and visibility, but also to provide sufficient space for wheelchair users. If the heavy timber outer doors were retained and had the same opening mechanism, this would significantly restrict the increased space in the lobby, and would not provide a sufficient turning circle for those wheelchair users.

19. It is my understanding that the response document was forwarded to Historic England, although there has been no further reply or input from that body.

20. The Victorian Society provided a short response to the consultation request from Mr Hughes in December 2023, supporting the position taken by Historic England. However, it was the consultation advice from the Church Buildings Council, also in December 2023, which was the most comprehensive analysis of the proposals. As always, the CBC was constructive in any criticism, and largely supportive of the proposals with qualifications. It is to be noted that two of

³ See note 1 above.

their officers attended a meeting at the church with the DAC secretary and a representative of the petitioner. It was considered that the space heating and water heating proposals in a move to an electric boiler from a gas boiler was potentially more effective in terms of carbon neutrality, although the parish was encouraged to seek experienced advice on the net zero route to follow. Ms Fisher, in her letter, invited a more comprehensive statement of needs to address the activities which the new church space was likely to carry out in terms of its mission and community activities.

21. Unlike Historic England, and the Victorian society, the CBC provided comments in respect of the kitchen and the breakout room, and the way in which the partitioning would be configured. The relevant section of the advice is:

"The proposed extended kitchen and proposed new meeting room would be located at the west end of the nave. The kitchen would be in the two western most bays of the north aisle, it is currently in the first western most bay, and the meeting room would be opposite in the two western most bays of the south aisle. The proposed rooms would enclose the columns but would not be attached to them and would be fully reversible. The Council asked that the parish consider moving the partitions to sit behind the columns so as to maintain the rhythm of the colonnade. The proposed materials are vertical timber board which would provide a contemporary contrast to the classical style interior, the meeting room would have a roof and the kitchen would not. The materials would contrast but not compete with the grade II interior. The materials would also allow for the meeting room to be soundproofed from the nave, although there would be windows with blinds to provide a visual connection between groups in the church where necessary, such as when children are using the new meeting room."*

22. Ms Fisher also addressed the question of the font. The proposal to move the font against the west wall of the nave was noted, as was the danger represented by the concrete plinth. If this was to be moved, the parish was urged to obtain professional conservation advice to ensure that it would not be damaged in the removal process.

23. The issue of the partitioning enclosing the columns was picked up by the Victorian Society in its most recent response (September 2025). This was the only heritage body to provide further consultation advice following revisions and adaptations that were approved by the DAC. Mr Connor McNeill said:

"However, the proposals do have the capacity for improvement, and interact better with the building's significance and special interest. The walls of the kitchen and meeting room, sit uneasily, wrapping around the columns that are such a feature of the interior, and key to its character as a basilica. Options that would situate the walls behind the columns would work more successfully, if this meant that these spaces had to extend further westward to make up for lost area this would not be a significant concern."

24. Mr McNeill was not supportive of the removal of the font, although he suggested that if the concrete steps represented an insurmountable problem, the font should be retained as a freestanding item where it can be appreciated on all sides.

25. The petitioner has not recorded its response to these suggestions of repositioning the partitioning for the breakout room and the kitchen. However on my visit to the church in December of last year it was clearly demonstrated to me, particularly in respect of the proposed

breakout room, that repositioning the partitioning to the inside of the columns, whilst leaving them exposed and preserving the contiguity within the church generally of the columns, would significantly reduce the internal space which is already fairly limited.

Discussion and determination

26. I remind myself of the correct test to be applied whenever a change is planned to the interior of a listed church building, if they are to be authorised by the grant of faculty, following the so called “**Duffield**” questions as set out by the Court of Arches in **Re St Alkmund, Duffield [2013] Fam 158**.

- (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] 7PD 21 26-8**, and the review of the case law by Chancellor Bussell QC in **In re St Mary’s White Waltham (no2) [2010] PTSR 1689** at para 11). Questions 3, 4 and 5 below do not then 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, 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.*

27. I address first the creation of the kitchen and the meeting room. There is no doubt that St Bridget’s has a unique and architecturally stunning interior representing the only historic example of an Italianate Victorian style by this particular architect, and any wholesale changes to that interior should be approached cautiously. However this is not an application in which the parish seeks a major refurbishment, but instead to update a facility which is already considerably dated (the kitchen) and to create in the nave space a small meeting room which would counterbalance the kitchen, and on the present design complement it. Insofar as the scagliola pillars are the most striking feature of the interior, it is inevitable that covering these will be harmful to the historical and architectural aspect. As an internal space the most aesthetically pleasing result would be the presentation of the nave as it was intended to be when the church was first constructed.

28. In my judgment there is harm created by the internal structures (the kitchen and the proposed meeting room) whether or not the partitions wrap around the columns, or whether they are set to the other side of the columns. It might be said that the impact is slightly less if the columns can still be seen, but their splendour is invested in their integrity without any

obstruction and the difference is negligible. I have come to the conclusion that the harm is of moderate significance on the application of question 3 of the Duffield criteria.

29. However, the petitioner has put forward a compelling justification for this reordering. This is a church which nestles in the heart of a deprived community, where there are numerous social problems, and little social cohesion. The Church's mission must be outward looking and not inward, and whilst the preservation of the heritage and history of the church is paramount, if there is to be a community focus the interior space is currently wholly unsuitable. It serves only as a comfortable albeit beautiful worship space with virtually no facility that would enable an outreach to vulnerable community members, and to allow community projects and multigenerational involvement. In my judgment the benefit which accrues to the parish from adapting this space to allow adequate catering facilities and community use, including the option for separate meetings and activities away from the worship area is considerable. Whilst the changes should be considered holistically in conjunction with the updating of the toilets and the improvement of disabled access, including the removal of the internal doors, on the basis of the benefit from the principal reordering, I am satisfied that the identified benefit outweighs the moderately significant harm represented mainly by disrupting the contiguity of the Italianate columns.

30. After visiting the church, I am further satisfied that the suggestion of repositioning the partitions to the other side of the columns is not workable and would significantly impact the available space.

31. Whilst there has been a focus on the removal of the heavy internal timber doors, and no evidence has been adduced as to the provenance of these doors which may or may not have been an original feature, insofar as any separate consideration has to be applied to the potential harm of losing such a feature, I am satisfied that the benefit of improved disabled access, and effectively opening out the space in terms of visibility and participation, is a benefit which significantly outweighs what may be relatively minor harm. In any event mitigation is provided by the fact that the doors are to be retained, not disposed of, enabling, if appropriate at some future point, their restoration.

32. The font removal is more problematic, because it has not been included in this petition, and thereby subjected to the usual process which includes public notification, consultation, DAC advice and so on. I had considered whether it might be more appropriate to direct that a separate petition is required and that the petitioner would have to start again in respect of the font. However, it is apparent that there have been discussions with the heritage bodies already, views have been expressed, and the DAC has given it at least some consideration. Accordingly I propose to consider it in terms of faculty grant, subject to the conditions which I deal with below.

33. In my judgment the key to heritage protection in respect of the font is its retention within the interior of the church. I have no doubt that the removal of the concrete plinth and the re-siting of the font to the west wall represents some harm to the historical aspect of the church. There is theological symbolism in its position near to the entrance of the building, of course. However, provided its retention is ensured, the harm it seems to me is relatively modest. Modern baptismal liturgy is rarely undertaken as it was historically around the original font, and most baptism services, undoubtedly to reduce the pressure on clergy time takes place within ordinary congregational worship, without a separate service. Further, I accept that without the timber enclosure the font presently represents not only a significant hazard from tripping in an area of the church which is likely to be frequently populated if it is put to greater community use, including as a café, but also a danger to clambering children.

34. I propose to extend the faculty grant in this case not only to the works as described in the petition, but also in relation to the font subject to significant conditions.

1. The petitioner shall file a petition for a confirmatory faculty to include the repositioning of the font within the nave of the church, with the payment of the appropriate fee within 3 months of the principal faculty grant;
2. The petitioner shall obtain a report, to include an estimate of cost, from a specialist contractor with experience of church fixtures/monuments removal, which will set out of the proposed method of removal and in particular advise whether the fund can be positioned in a new location without the current concrete plinth;
3. The approval of the DAC as to the method statement provided by this contractor, and to the position of the font following its removal shall be obtained prior to any works;
4. In the event that such approval is not obtained, the matter shall be returned to the Chancellor for further consideration.
5. The internal timber doors shall be retained and protected for possible future restoration.

35. In respect of the works generally, I impose a condition that they be completed within 12 months of the faculty issue. I also intend to impose a further condition in relation to funding.

36. The estimates that have been obtained suggest that the cost of these works significantly exceeds available funding. Accordingly the additional condition is that prior to the commencement of any work carried out in accordance with the faculty issue, the petitioner shall supply to the registrar evidence that funds are available to cover the cost of the proposed works.

His Honour Judge Graham Wood KC
Chancellor of the Diocese of Liverpool

3rd November 2025