

[2020] ECC Wor 2

In the Worcester Consistory Court

**Archdeaconry of Worcester: Parish of St Nicholas and All Saints, Worcester:
Church of St Helen**

**Faculty petition (2019-034486) relating to comprehensive internal
reordering and new entrance onto the High Street**

Judgment

Historical background

1. The church of St Helen on the High Street in the heart of Worcester is probably one of the oldest churches in the city, and possibly in the diocese. It appears to have been the principal church in Anglo-Saxon Worcester prior to 680, when the predecessor to the present cathedral was built. It may contain earlier material, even possibly dating back to the Roman period.
2. Little of the Norman or earlier masonry survives, but the building appears to have been wholly or partly rebuilt, repaired or reordered in the twelfth, thirteenth, sixteenth and eighteenth centuries (and possibly at other times), with numerous monuments being installed at various dates. The tower at the west end dates from the fourteenth century, although much of the masonry is from the nineteenth century.
3. The interior was then comprehensively altered in 1836, with new pews throughout, and aisles re-laid in red stone. Preedy raised the eastern bay of the church in the 1860s, to create a chancel – and the main east window that survives today, on the High Street frontage. And at some stage two doors were inserted in the east elevation, at the end of the north and south aisles, each under a small circular window.
4. By 1870, the church was once again in poor repair, and Aston Webb was commissioned to carry out a complete reordering. That included, amongst a large number of items, a new window at the west end of the north aisle, new glass in Preedy's east window, removal of the two east doors, moving the south door and adding a porch. The work was carried out in 1879-1880, and at a late stage it was also decided to add new windows at the east end of the north and south aisle, designed to harmonise with the medieval jamb mouldings that had been discovered in the course of the building operations.
5. Notwithstanding that re-ordering, the numbers in the congregation declined along with population of the surrounding area, and a mere 60 years later, in 1938, the five city-centre parishes were combined into one, and the use of St Helen's as a church ceased altogether. The onset of the Second World War saw the building become a soldiers' club, with new toilets created in the south-

east corner; and after the war the bells were sold for scrap, and the building was used as a club by the YMCA. From 1957 until 2002 it was used by the county record office, which involved the insertion of new concrete floors, new partitions, and a new kitchen adjacent to the toilets. Further changes were made in 1989.

6. However, since 2002, St Helen's has been under the stewardship of All Saints Church, being used once again for worship and also for a variety of other church activities and community purposes. All Saints has recently been designated by the Diocese as a resource church, which enables access to greater funding.

St Helen's today

7. The north elevation of the church is obscured by the adjacent buildings; and the west elevation and tower are only visible in limited views. The south elevation, facing Fish Street has the cohesive appearance of a single build, dating back to the Aston Webb reordering in 1897. His bold gabled porch is over the south door, which is currently the main entrance.
8. The east elevation, facing the High Street, appears at first glance to be symmetrical and cohesive, but is in fact the result of a complex history of construction. The whole elevation was refaced in 1808, but the central window was inserted in 1859, and reglazed in 1879. The two windows to north and south were added at that date, but to slightly different patterns. There is an opening beneath the north window, which was thought to date back to the war; but photographs from the 1950s show that it must have been inserted later.
9. As a result of its somewhat chequered history, the building is in poor repair, and has been on the Historic England buildings at risk register for some while. The heating and lighting need renewal. And the overall appearance of the interior is most unsatisfactory. Notwithstanding that, St Helen's Church is without doubt a medieval building of very considerable historic and architectural interest. And it has the potential to display that interest to much greater effect than is currently the case. It is listed Grade II*.
10. The church occupies a key city-centre site, but in spite of the wide range of activities taking place there, most passers-by are probably largely unaware of its existence, as there is no opening onto the High Street, and it has for most of the last century not been in public use. Since the partial re-opening in 2002, efforts have been made to publicise the activities taking place there, and to encourage access via the south porch opening onto Fish Street, but with only limited success.

The present proposal

11. The present petition relates to a proposal to undertake a major reordering of the interior, to bring it into full use, including the following principal elements:

-) opening up a new entrance onto the High Street, with a full height glazed door and decorative screen, in place of the existing south window on the east façade;
 -) removing the existing kitchen and toilets, and constructing a draught lobby, ramp and handrail to enable step-free access from the new entrance into the nave;
 -) installing a new floor, level with the existing chancel floor, to enable step-free access throughout the interior, with new under-floor heating throughout (except under the chancel);
 -) installing new lighting throughout;
 -) installing a new kitchen and servery in the base of the tower; and
 -) building a new extension to the north-west of the nave, on the site of an existing boiler house, to house new toilets, with access via a currently bricked-up doorway and a new ramp.
12. The details of the proposals, both those summarised above and other associated works, are set out in full in a Statement of Need and an Appraisal of Options. The latter helpfully sets out the alternatives that were considered, and why the option now proposed was preferred. The proposed works are the subject of a series of clear and fully detailed drawings from Nick Joyce Architects.
13. The parish has also commissioned an extended analysis of the significance of the building, and a full assessment of the impact of the proposed works on that significance. The latter concludes as follows:

“The primary significance of St Helen’s as a rare church of potentially Roman origin that retains a significant amount of medieval fabric including a good example of Perpendicular reordering, is unharmed by the proposals which do not involve the loss of any medieval fabric. The evidential and historical interest of alterations and re-orderings carried out in the post medieval period, including those by architects of local and national renown, is respected, remains largely intact and clearly legible in the fabric and appearance of the building.

The aesthetic value of the interior of the church is considerably enhanced by the removal of clutter and use of high-quality materials for the interventions. The removal of the kitchen and WCs from the south aisle and design of the new floor help re-focus attention on the medieval character of the building and emphasise the contribution made by the rich ornamentation of the sanctuary, chancel floor and numerous high quality wall mounted monuments.

The changes to the east elevation continue its history of alteration and have been designed to counter the existing rather ravaged look left by Victorian restoration and subsequent minor modifications.

The overall impact of the works on significance is considered acceptable and justified by the way in which they will bring new life to this long neglected building, facilitate the growth of its congregation and thus the sustainability of its use as a place of worship, and allow wider use of the building for community events within

the city that will see a significant improvement in public access to its special architectural and historic value.”

The new east entrance

14. In particular, the proposed works include a new entrance at the east end of the south aisle. The creation of this will involve the removal of the existing window at this location, and its replacement by a full-height glazed opening, with fully glazed doors to enable step-free access into the building from the street. The glazed panel will be behind a sculptural screen on the outside face.
15. The design of the sculpture was the subject of an extensive competition, involving both members of the All Saints / St Helen's congregation and the wider community. This resulted in the unanimous selection of Matt Sanderson, a local artist (from Garway in Herefordshire) who has designed over 70 permanent public commissioned works of art, at Cambridge, Oxford and elsewhere. He was asked to develop a design based on the idea of the tree of life.
16. A significant requirement was that the sculpture should be as far as possible weather-proof, climb-proof and bird-proof. It consists of two trees with branches and foliage, designed so that they can be opened, like doors, to enable access to the glazing for cleaning purposes.

Consultation

17. The emerging proposals, including the design of the new doorway, have been the subject of extensive discussions throughout the development process, involving the Church Buildings Council, Historic England, the Society for the Protection of Ancient Buildings, the Victorian Society, the City Council, and of course the Diocesan Advisory Committee. The parish is to be commended for the exemplary manner in which it has engaged the various bodies, and responded to their concerns.

Church Buildings Council (CBC)

18. The Church Buildings Council broadly welcomed the proposed works, including the new doorway at the southern end of the eastern elevation. It raised concerns as to the detailed design of the new toilet block.

Historic England

19. Historic England has welcomed the proposals in principle, including the new floor, the new servery in the base of the tower, the new toilet block, and the new doorway onto the High Street. It too raised concerns as to the detailed design of the new toilet block, and pointed to the need for careful archaeological supervision of the construction of the new ramp, and emphasised the importance of including sufficient electrical and other services to meet future needs as far as possible. It urged that funding be sought to carry out repairs to

the interior and to the many monuments. And it expressed concern as to the choice of seating, as yet to be finalised.

20. Overall, Historic England considered that the reordering proposals were “well considered and appropriately detailed, and provide a welcome opportunity to enhance and better reveal the historic significance of the building, with the removal of the features associated with its use as the archives office.
21. Historic England subsequently commented in more detail on the emerging design for the east doorway. It noted that the loss of Webb’s tracery window would undoubtedly cause some harm to the significance of the building, the introduction of a new artwork here does present a positive opportunity to enhance that significance through design, and to bring some additional interest to the building and to the conservation area. It considered that the design had developed positively.

The Society for the Protection of Ancient Buildings (SPAB)

22. The SPAB is happy with the principle of the works in general, “which should help to bring this wonderful church back to life”. In particular, it supported all the internal works, including the new floor; and also urged that the monuments in the church be repaired in due course. It too raised mild concerns as to the detailed design of the toilet block.
23. As to the new doorway on to the High Street, the SPAB understood the rationale for reinstating a door at the proposed location, where there was clearly a door some years ago. However, it questioned the need to remove the entirety of one of the Aston Webb windows, especially as it felt that this would considerably alter the symmetry of this elevation. It deferred to the Victorian Society regarding the importance of this window, but felt that the option of retaining and repairing the upper part of the existing window and inserting the new door into the bottom part should be thoroughly considered. This would not prevent new artwork being introduced to the new external door and to the internal lobby and ramp if that was felt to be appropriate.

The Victorian Society

24. The Victorian Society did not express a general view on the proposed works, other than to note that the work at St Helen’s should go hand-in-hand with the major reordering scheme currently being proposed at All Saints, and to stress the need for an overarching strategy for the two buildings to be developed, which can then inform the ways in which they are concurrently to be adapted and reordered. On a point of detail, the Society welcomed the retention of Webb’s floor.
25. As to the new east doorway, it accepted the principle of inserting a door at this location, but did not accept that it need entail the loss of what makes the window, and in part the east end as a whole, so special and “*vital*” a part of the Worcester townscape, as noted in the *Buildings of England*. It considered that a large part of the significance of the east elevation is the decorated tracery that forms a profuse and decorative termination to the apex of the window, and which echoes in character and architectural spirit the two other windows in the

east end. This commanding triumvirate of nineteenth-century windows is the principal motif of the present church's east end, and it is crucial that it is preserved as far as possible.

26. The Victorian Society has therefore objected to the proposed total loss of the east window and urged that its upper section and decorative tracery be retained and incorporated as part of any proposal for a new entrance in this location. But it has not sought to become a formal party opponent.

Worcester City Council

27. The City Council observes that "this is a meticulously drafted and designed scheme, for which full credit is due to all involved, especially to Stella Powers." This is an unusually effusive praise from a local authority for a scheme of this kind. It has subsequently granted planning permission for the new east doorway and the new toilet block.

The Diocesan Advisory Committee

28. Finally, the DAC has recommended the proposals, subject to a number of provisos, that can be reflected in conditions to any faculty that may issue.

Procedure

29. In view of the current COVID-19 pandemic, I am not able to inspect the church, as might otherwise be desirable for a scheme of this nature, particularly in view of the concerns (and objection) raised in relation to the new east doorway. Happily, I was able to carry out at least a cursory inspection in July 2019, in the company of the Deputy Registrar, at the time I was also looking at the nearby All Saints Church, prior to the determination of the faculty petition relating to that church. We were shown round by the Project Manager, who pointed out the key features that would be affected by the works that are now proposed, but she was careful to ensure that she did not make any other representations. That exercise was helpful, as the information currently before me does not include many photographs of the interior.
30. In view of that inspection, and in the light of the very helpful drawings that have been submitted, I am content to determine the petition on the basis of written representations, without the need for either a hearing or a further inspection.

Assessment

31. I consider that this is one of the most significant proposals I have seen in the period of more than twenty years during which I have been associated with this diocese.
32. It relates to a church of considerable significance as a historic building; and changes of any consequence therefore need to be planned and assessed very carefully. It would have been possible for the parish simply to assert that the proposed works would be of benefit in pastoral terms, and to ignore or downplay their impact. However, as has been recognised by all those who

have commented, including Historic England, the CBC and the relevant national amenity societies, the parish has ensured that its proposals have been drawn up with impeccable care and attention to detail, and modified to take account of concerns raised – not least in relation to the toilet extension and the new servery.

33. Further, and just as important, this is a welcome return to church use of a building at an important location in the heart of the city, funded at least in part by the national church. Indeed, it is precisely because of its city-centre location that St Helen's has had such a long and eventful history. So it is an extremely positive step, both for the church and the city, that this building is being revitalised so that it can be used throughout the week both for worship and mission and for the benefit of the whole community. And this too has been recognised by all those who have commented.
34. The proposed works are ambitious in their scope, and will inevitably lead to some loss of historic fabric. But they also involve the removal of some unattractive additions from the more recent past, and a general tidying up of the whole interior. The history of this building has been a story of constant change, over at least 1,400 years; and it would be wholly artificial to stop the clock now. And I am, in particular, satisfied that the way in which each of the identified needs is to be met is suitable, in the light of the careful examination of alternative options that has taken place.
35. I therefore find that the proposals, both taken as a whole and in detail (save in relation to the new east doorway, to which I will turn in a moment), meet a clearly identified need, and that this outweighs any incidental loss of historic fabric or significance that may occur. They therefore meet the test proposed by the Court of Arches in *St Alkmund, Duffield* [2013] Fam 158 at [87]; and I am content that a faculty should issue.
36. As to the specific issue of the detailed design of the new toilet block at the north-west corner of the church, this has been the subject of some concern on the part of several of the bodies consulted. I believe that those concerns have largely been met by design revisions, but I will impose a condition to ensure that the DAC, as well as the local planning authority, is able to be satisfied as to the final design.

East doorway

37. The one element of the proposals that has caused at least some adverse comment, and actual objection on the part of the Victorian Society, has been the new doorway at the east end of the south aisle, opening onto the High Street.
38. The logic of a new opening at this location, where one existed before the Aston Webb reordering, seems to me to be inescapable. The present configuration means that the church is all but invisible to the public, even though it has a very prominent location. That has been accepted by all, including the Victorian Society.

39. As I have noted above, both the overall concept underlying this feature and its detailed design have been the subject of extensive consultation. The CBC is supportive, as is Historic England, although the latter stressed the importance of continuing involvement by the DAC, as the detailed design evolves.
40. The SPAB and the Victorian Society have both accepted the principle of a new doorway at this location, but also questioned the need to remove the Aston Webb window in its entirety. The Victorian Society, in particular, expressed the view that “a large part of the significance of the east elevation is the decorated tracery that forms a profuse and decorative termination to the apex of the window, and which echoes ... the two other windows in the east end”. It urged that the upper section and tracery be incorporated as part of any proposal for a new entrance.
41. I am unconvinced by such concern. I can understand that the doorway that is currently proposed, and any doorway at this location, will significantly change the overall appearance of the east elevation of the church. To oppose altogether any doorway at this point would thus be a perfectly logical approach – although that would prevent the opening up of the interior to the High Street as is proposed.
42. However, if there is to be a doorway, it cannot be below the existing window. The doorway that once existed, as is shown in Plate 8 of the Heritage Statement, was beneath a small circular window – one of a pair to either side of the main east window – and its top was significantly higher than the sill of the window that is now there, inserted in 1879. The creation of any new doorway therefore has to involve the redesign of the whole of this element of the building. It would be possible to extend the existing window tracery to the ground, but that would unbalance the overall elevation just as much as what is actually proposed – and I am not convinced that it would be more satisfactory than the contemporary design that has been put forward. And at least what is proposed retains the outline of the upper part of the existing window opening, with its pointed arch that more or less matches that of the two windows to the north.
43. If there is to be a new entrance here, it will almost inevitably consist of a large opening, the upper part of which will be the existing window opening, and the lower part of which will replace the stone panel beneath that opening. As it is, the imaginative design now proposed, from an artist who has produced a range of excellent pieces of art elsewhere, is a bold but inspired choice. It will make a distinctive contribution to the High Street.
44. I agree that the details will need to be handled carefully, and that the DAC should therefore have some sort of continuing involvement in its design, but that should not detract from the overall quality of what will hopefully soon be a much loved and admired feature of the city centre – as with the chronofrage at Corpus Christi College, Cambridge, by the same artist.
45. I have already noted that the Council has granted planning permission for this doorway. In doing so, it must have had regard to its effect both on the character of the Church as a building of special architectural or historic interest and on the character and appearance of the conservation area, as required by the Planning

(Listed Buildings and Conservation Areas) Act 1990. In line with the approach adopted by number of consistory courts, including this one (in *St Laurence, Alvechurch* [2004] JPL 1162), I could say that I do not need to consider the proposal any further, and simply follow the decision of the Council. However, I am happy to grant a faculty in any event.

46. Finally, some respondents have made comments as to the proposed removal of the opening beneath the north window on the east elevation. Since it now appears that this was a post-war addition, I see no reason to object to its removal.

Decision

47. A faculty should issue for the proposed works.
48. The planning permission has been issued subject to a number of conditions, but it relates only to the construction of the new doorway and the toilet block. The faculty will authorise a much wider range of works, including all the internal alterations (for which planning permission is not required). For simplicity I have therefore drafted the conditions to be added to the faculty in broadly similar terms, as follows:
1. The works authorised by this faculty shall be begun before the expiration of three years from 16 March 2020 (the date on which planning permission was granted for some of those works).

Archaeology

2. If during the course of the works hereby authorised any medieval or earlier masonry structures are uncovered, the diocesan advisory committee (DAC) and the local planning authority (LPA) shall be notified immediately and no works affecting such features shall take place until they have been inspected by persons authorised by the DAC and the LPA and a scheme for their retention and/or treatment has been agreed in writing.
3. No works shall take place until a written scheme of investigation for an archaeological recording and mitigation programme has been submitted to and approved in writing by the DAC and the LPA, which shall include:
 - (a) a programme of archaeological building investigation and recording,
 - (b) an archaeological watching brief, including excavation,
 - (c) a statement of significance and research objectives;
 - (d) a programme and methodology of site investigation and recording;
 - (e) the nomination of a competent person(s) or organisation to undertake the agreed works;

- (f) the programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material.
4. No works shall take place other than in accordance with the agreed written scheme of investigation.

The new doorway onto the High Street

5. No works hereby authorised for the construction of the new doorway on to the High Street shall start until full details of the design and samples of the materials to be used have been submitted to and approved in writing by the DAC and the LPA, to include:
 - (a) ground works and foundations;
 - (b) the design of the door handles;
 - (c) locks, bolts and ironmongery; and
 - (d) feature lighting within the artwork.
6. The construction of the new doorway shall be carried out in accordance with the details thus approved; and all new masonry shall be finished externally in materials to match in form, texture and colour those of the existing building, except as may be approved in writing by the DAC and the LPA.
7. The glass to be removed from the south-east window must be photographed and recorded.
8. Prior to any demolition works hereby authorised, details of making good or repairs to any building to be retained and affected by the demolition works shall be submitted to and approved in writing by the DAC and the LPA, to include details of the safe removal and secure storage of the displaced stained glass windows to be removed in the formation of the new doorway.

The new toilet block

9. No works shall be carried out on the construction of the new toilet block, including the access to it from the church, until the full details of that element of the works have been approved in writing by the DAC or, in default of such approval, by the court; and all new masonry shall be finished externally in materials to match in form, texture and colour those of the existing building, except as may be approved in writing by the DAC and the LPA.

Other works

10. In relation to the works other than those that are the subject of conditions 5 to 9, no such works shall be started until full detailed specifications for all of them, including as to lighting, heating, AV, wiring and other services, have been submitted to and approved in writing by the DAC or, in default of such approval, by the court.

49. The DAC has suggested that the glass from the south window in the east elevation is retained for a period of time whilst consideration is given to re-using it in an art installation inside the church – or possibly at some other suitable location. That seems sensible, but I have not made it the subject of a formal condition.
50. There has been mention of a forthcoming programme of conserving the chancel floor, the ledger slabs and the monuments at various locations within the church. Such work would indeed be highly desirable, but will require to be the subject of a further faculty petition in due course, following consultation with relevant specialist bodies and the DAC.
51. Finally, it should be noted that this faculty does not authorise any new seating within the church, nor any new sound desk that may be required in due course – although the present works to insert cable runs in the new floor should as far as possible take account of such requirements that may arise in the future.

Charles Mynors

Chancellor

18 May 2020