

[2016] ECC Can 2

IN THE COMMISSARY COURT OF THE DIOCESE OF CANTERBURY

Faculty 0646

ST GREGORY AND ST MARTIN WYE

1. INTRODUCTION

- 1.1 By their Petition dated 2 September 2016, the Petitioners, the Rev. Ravi Holy, Mr David Ross and Dr Alison Poole seek a Faculty for *“A reordering of the nave and aisles and improvements to the heating installation in accordance with a Statement of Need October 2015, a Statement of Significance, a Specification by Rutherford Architects ref: 1409B-SPEC dated 2016, a Specification by Pasion Star Ltd ref: 11203-382 dated November 2015, along with eight supporting drawings and one supporting photograph.”* In summary, the proposal is to remove the fixed pews from the nave and north aisle, to take out the raised timber pew platforms and replace them with a level, underheated floor and movable pews. In addition, the choir stalls are to be removed and replaced with new, more easily movable ones. The nave and aisle pews are Victorian. The choir stalls date from the 1960s, apparently having been given to the church to mark the death of President J F Kennedy.
- 1.2 The papers were sent to me on 8 September. No indication was given to me by the Registry that this Petition needed to receive urgent consideration, doubtless because no such indication had been given by the Petitioners in the material supporting the Petition.
- 1.3 On 20 September, I received an email from the Registry Clerk saying that Dr Poole had just telephoned enquiring as to the status of the Petition, saying that a contractor is booked to start the work next Monday, 26 September. Apparently the required consent of the Bishop to the holding of public worship elsewhere while the works are undertaken has very recently been given; at the date when the Petition was lodged, such consent had not yet been granted. I was asked to give the matter urgent attention if possible. Dr Poole had, quite rightly, been told that the Petitioners must not assume that work could commence on Monday.
- 1.4 As it happens, I am able to deal with this Petition as a matter of urgency, but only have time to write a short explanation of my reasons for concluding that the Faculty should be issued. The reordering which is sought is considerable. The church is a Grade 1 listed building. In such circumstances, I would usually need to visit the building in order to inform my consideration. Happily for the Petitioners, I have attended several concerts in Wye Church in the last couple of years and can therefore make the proper assessment of the impact of the proposals using my knowledge of the building. Moreover, there has been full consultation of the relevant amenity bodies, including Historic England, the Ancient Monuments Society and the Victorian Society. The descendants of those who gave the Kennedy stalls have also been

consulted and are content with the proposals. Although the DAC has certified that in its opinion the character of the church as a building of special architectural or historic interest is likely to be affected, there is no question of such an effect upon the archaeological importance of the church or archaeological remains within it. I take all these matters into account in deciding that I can deal with this Petition on an urgent basis, though I can see no reason whatsoever in the papers to justify the decision to let a contract for the works. The estimated cost of the project amounts to nearly £232,889, not all of which has been raised. At the date of the Petition, some £43,000 remained to be found.

1.5 Notwithstanding the support of the DAC for the proposal and the absence of objection from any of the amenity societies, the Petitioners should not have assumed that a Faculty would be granted. The DAC's Notification of Advice states as much in bold type and this procedural part of the advice must be noted by parishes as well as any positive substantive advice.

2. EFFECT ON SIGNIFICANCE

2.1 I have considered this Petition in the context of the Duffield guidelines. For speed, I do not set them out here but they have formed the framework for my assessment.

2.2 The submitted Statements of Significance and Need are helpful. It is clear from the history of the church that it exemplifies the changing liturgical, ecclesiastical, political and social patterns and priorities which make the heritage of church buildings in England so rich and diverse. The church is thirteenth century in origin and went through major physical changes in the fifteenth and eighteenth centuries. There was some Victorian restoration work, new pews being added in place of eighteenth century ones in 1878. The replacement pews are not the work of any known designer. They are made of pine and deal and were, apparently, obtained from a catalogue. The chancel was built to replace one which had collapsed in the early 1700s. The wooden fittings and furnishings reflect that era. The twentieth century stalls, which stand just outside the chancel, were divided at some stage to make them somewhat easier to move. They are still substantial pieces of furniture requiring six men to move them.

2.3 From the Statement of Significance, the listing description, Pevsner and the neutral responses of Historic England and the Ancient Monuments Society, I deduce that there appears to be no particular significance in either of the sets of the pews or their platforms which are proposed for removal, nor in the twentieth century choir stalls. The Victorian Society has not responded to consultation.

2.4 There is mention in the Statement of Needs of proposals for new, movable bench – style pews and chairs. The Statement of Significance, however, refers to the use of bench pews as “*mitigation*”. The proposed oak benches are to a design by Luke Hughes and it is clear from the photograph that they are of high quality. It appears as though there may be a darker and a lighter coloured version.

2.5 Clearly, removal of the pews and stalls would effect a change of character to the building since the seating is a prominent part of the visual and sensory experience of being inside the church at present. Since both sets of seating tell part of the story of the life of this church over many centuries, there would be some loss of significance in the sense of cultural history.

2.6 Having said that, neither the Victorian pews nor the 1960s choir stalls are suggested to have any particular significance, whether as artefacts or by association with the church. There is, for example, no particular relationship between Wye and the Kennedys or even the United

States of America. The pews were evidently mass produced. The seating arrangements are not referred to in the listing description or Pevsner, although neither of these sources is a definitive or exhaustive record of significance.

- 2.7 From my recollection of being inside the church, corroborated by the photographs submitted with the Petition, the pews take up a great deal of room and create a rather dark impression which is at odds with the underlying mediaeval stone and the eighteenth century changes. I consider that the proposed new pews, as opposed to chairs, would enable seating to be achieved with a greater feeling of spaciousness and order than at present. The precise colour of the oak will be important and I propose to make provision for it to be approved by the DAC. Subject to that caveat, I consider that the proposals would help to reveal the architectural significance of the fifteenth century remodelling which was undertaken for Cardinal Archbishop Kempe, the object of which was to bring more light into the nave by the enlargement of aisle windows and addition of a clerestory. At that time, the priests' college was founded next door to the church and the church became "*a prosperous collegiate church*", in the words of the Statement of Significance. The process of dissolution and later accidents and traverses served to diminish the building and its importance but the traces of that earlier prominence remain. In my opinion, the proposed arrangements in the nave will help to reveal the important fifteenth century adaptations to the original thirteenth century building and clarify a very important part of the building's doctrinal and political history. Likewise, the nineteen sixties stalls are somewhat bulky and do not help to effect the transition between the spacious nave and the small scale apsidal chancel with its seventeenth century furnishings. The proposals to replace the pew platforms and floor with underheated quarry tiles and to extend this flooring into the children's activity area in the north aisle are, in my view, wholly positive. In particular, the removal of worn out carpet from the children's area will bring a real aesthetic improvement. It is proposed to reuse parts of the Kennedy stalls as a screen for a storage area and the donors' family approves this idea.
- 2.8 Consequently, although there would be some loss of significance due to pew removal, I judge this to be slight and certainly much less than substantial. In other ways, which I have explained, I find that significance would be enhanced.
- 2.9 Turning to the justification for the changes, the church is a very active one, set in a prominent position in a thriving large village. There are many services both on Sundays and midweek, the church is open every day and attracts visitors, many of whom are walking the North Downs Way. It already hosts many community activities including some for local schools. As I said earlier, I have attended concerts in the church. The Petitioners explain that the proposed arrangements would enhance practicability for all these purposes and help to allow for more flexible forms of worship. Particularly important for mission in this regard are the family services which already take place and the Youth Service which is led by and for young people. I find that there would be genuine public benefit as a result of the proposals and that there is a real prospect of enhancement to the mission of this active church community as it offers the message of the gospel to the parish. I therefore conclude that the minor loss of significance which I have identified would be outweighed by the enhancements to architectural significance and aesthetics as well as the public benefit in terms of hosting the community and enhancing the ability of the building to serve the communication of the gospel in the twenty first century.

3. CONCLUSIONS

- 3.1 I conclude that the Faculty should, in principle, be granted. I must, however, mention one reservation, which is connected to the points which I have already made about the inappropriateness of letting a contract in advance of the necessary authorisation. I have noted that the project cost is estimated at nearly quarter of a million pounds. At the date of lodging the Petition, some £43,000 remained to be raised. I am imposing a precondition requiring the Petitioners to send to the Registry, before work commences, a demonstration that they have enough money available to cover the initial phases of work and proposals and likely timescale for raising the rest of the money. I should say at this stage that the choice of the Luke Hughes benches has been regarded by the amenity bodies as important and that aspect of the proposal has played an essential part in my own assessment to the effect that the overall effect of the scheme will be positive. I suspect that the benches are not cheap and, if that is the element of the scheme for which funds are still required, this must be treated by the church as a priority. Some of the documentation suggests that there might be a mixture of chairs and benches. I would not regard such an arrangement as acceptable and, for the avoidance of doubt, I shall impose a condition to the effect that the pews and stalls are to be replaced with Luke Hughes benches and no other form of seating. I am willing to examine the financial information as a matter of urgency but the Petitioners should note that I have another very busy week next week and that I cannot guarantee to look at the financial material on any particular day. Other conditions are: a standard time condition requiring works to be completed within twelve months, a standard insurance condition requiring cover to be in place before works commence, the archaeological conditions recommended by the DAC and a condition requiring the precise colour of the benches to be approved in advance of ordering them by the DAC.
- 3.2 I wish the parish well with the project.



MORAG ELLIS QC
23 September 2016