

In the matter of St Mary, Southgate

Judgment

1. By an undated petition, date stamped 8 July 2015, the team rector and churchwardens of St Mary's, Southgate seek a faculty for various works to this unlisted church which dates from 1958. It lies in the Southgate Neighbourhood Conservation Area and was constructed to a bold design by Braddock and Martin-Smith concurrently with the expansion of Crawley new town. It comprises a reinforced concrete frame with brick walls intersected by full height glazed returns.
2. The proposed works are styled 'Phase 1' and comprise:
  - i. the removal of existing felt roof and replacement with one of pre-coated zinc;
  - ii. the removal of a section of concrete roof;
  - iii. removal of central section of entrance and substitution with a screen including new double entrance doors;
  - iv. new internal mat well and ramping to existing floor level;
  - v. replacement of tall windows in aisle;
  - vi. replacement of clerestory glazing with powder-coated aluminium windows;
  - vii. new electrically operated composite windows to form the sides of the tower lantern; provision of roof light;
  - viii. external paving.
3. Planning permission was granted by Crawley Borough Council on 31 July 2013. It will expire after three years, at the end of July 2016.
4. Public notice produced no objections.
5. The Statement of Significance recites the description given in Pevsner, and the overall layout of church, hall, offices and other facilities under a sweeping roof. Mention is made of the building being in 'a light Brutalist style, the stand out architectural features being the East wall and the dramatic exposed concrete structures internally that emphasise the curving forms'.
6. The parish's Statement of Needs refers to St Mary's as being a 'flexible building' used by the worshipping congregation and by the community at large. After half a century of use, the building is showing its age: insulation is poor and heating costs are high; the roof leaks; the windows need replacing; and the heaters are noisy and towards the end of their useful life. The proposal is for a new roof, replacement glazing and a general refurbishment. In the longer term, beyond the scope of the current petition, the parish has aspirations for making better use of the hall area contiguous to the church and to relocating the parish office. For

present purposes, the most significant element of the proposal is the reconfiguration of the entrance: the other aspects are more in the nature of running repairs to a tired building.

7. The DAC issued its Notification of Advice on 29 May 2015, recommending the works. In the opinion of the DAC, the proposals were not likely to affect the character of the church as a building of special architectural or historic interest. The DAC recommended the proposals but also recommended consultation with the Local Planning Authority and with the Twentieth Century Society.
8. The Society was duly consulted and undertook a site visit. In its letter of 22 June 2015, sent by Ms Henrietta Billings, senior conservation adviser, the Society referred to buildings of this period being increasingly under threat from alteration or new development. It continued:

‘... in our view, this is a very good and well conserved example of a building designed with built in flexibility and room for expansion by incorporating an attached hall and meeting rooms. We were delighted to see the facilities so well used on our recent visit.’
9. The Society’s letter expressed concern regarding the impact of the proposals which, it felt, would seriously detract from the character of the 1958 building. It was particularly concerned that the replacement roof would result in an additional height of at least 140 mm and the visual impact of the changed profile of the roof. Concern was also expressed at the proposals to replace the tall aisle windows and the clerestory lights, the latter having ‘fine design detail’. It was suggested that secondary glazing could address the issue of thermal performance. It was also felt that the aisle windows should be replaced on a ‘like-for-like’ basis. It did not consider that the intervention to the principal facade could be justified, simply to improve the ‘visibility’ of the church within the community it serves. The letter expressed regret that it had been consulted so late in the process.
10. The parish’s inspecting architect sent a letter to the incumbent dated 30 June 2015 addressing the content of the Twentieth Century Society’s letter, a copy of which was contained with the papers lodged with the petition. In view of the objections of the Society, I ordered special notice to be given under r 8.3 of the Faculty Jurisdiction Rules 2013. The Society responded with a letter to the registry dated 31 July 2015 which largely repeated what was had been in its earlier letter to the parish.
11. The letter voiced objection but was silent on whether the Society wished to become a party opponent. In the circumstances, the provisions of r 9.3 then required the Society to be put to its election of becoming a party or leaving the court to take its letter into account. It may be that the interplay between r 8.5 and r 9.3 needs re-consideration by the Rule Committee since, as in this case, their combined effect can lead to procedural delay. The anomaly continues in the incoming 2015 Rules ( r 9.5 and r 10.3 respectively): on a strict reading, an amenity society which elects to send representations in the form of a letter under r 9.5(1)(a) in preference to particulars of objection would appear to have a second opportunity of becoming a party opponent under r 10.3. I cannot imagine that this was intended by those framing the rules as the language of r 9.5 is suggestive of finality as between the alternative methods of proceeding.

12. In this instance, Ms Billings was good enough to email the registry on 18 August 2015 indicating that the Twentieth Century Society did not wish to become a Party Opponent. Accordingly I take into account the content of the letters written by the Society and the representations of the petitioners in response, including a letter sent to the registry by Mr Tilley dated 25 September 2015. This letter fully engages with each of the specific points raised by the Society in its correspondence.
13. St Mary's is not a listed building. It therefore follows that the detailed approach and structured analysis prescribed by the Court of Arches in *Re St Alkmund, Duffield* [2013] Fam 158 had no application. That said, Pevsner recognises the significance of the church and it is a major structure within the Southgate Neighbourhood Conservation Area. I remind myself that the burden of proof lies on the proponents of change.
14. I am perfectly satisfied that the case for reversing the decay within this building due to water ingress and poor insulation is well made out. Medieval masons would be mystified at the relatively short shelf life of buildings designed and built in the last century. At the core of this petition is whether there may be another means of addressing these concerns which is less intrusive. I propose taking in turn each of the three matters raised by the Society.

#### *Roof covering*

15. The roof needs to be replaced and the zinc proposal has been arrived at after considering a number of alternatives. The Society objects to the increased height of the replacement roof, adding some 140 mm to the existing profile which, it contends, will have a dramatic effect on the appearance of the roof which it describes as 'a defining feature of the original; building'. However, as Mr Tilley points out, the roof needs to be higher to accommodate thermal insulation necessary for the proper functioning of the building, and affordable heating, in the years ahead. This can only be incorporated above the concrete structure. I welcome Mr Tilley's offer to explore whether building regulations can be relaxed by adopting a roof of lesser transmittance. However, I am satisfied that the petitioners have made out a case for what it proposed, and if this can be accommodated by reducing the thickness of the insulation I would encourage the parish to adopt this course. I am not convinced that the effect on the profile of the roof would be as marked as the Society fears, particularly if the proposal is attenuated as has been suggested.

#### *Windows*

16. The Society recommends secondary glazing, a course which has been considered and rejected by the petitioners because of the likely effect of condensation. This follows professional advice which they received from the DAC. I am persuaded that the replacement windows proposed by the petitioners, as refined by Mr Tilley's recent letter are appropriate and will not compromise the appearance of the building.

#### *West elevation*

17. The Society questions the proposed changes and suggests that improved signage could increase visibility without the need to alter the original design of the building. Mr Tilley, on the other hand, emphasises the need for a more prominent and obvious entrance and that the architecture of the building should symbolise the welcome intended by the community. Whilst the building may be brutalist and used for secular as well as sacred purposes, it is at its heart a place of worship and the petitioners have convinced me that the modest changes to

the entrance are appropriate in order that the building more fully declares that purposes in the face it shows to the community.

18. I have given full regard to the views of the Twentieth Century Society as expressed in its letters; but I have also borne in mind that the Society has chose not to become a party opponent by which I can gauge something of the strength of its opposition. I have been impressed by the thoughtful and thorough response of Mr Tilley. The petitioners have put forward a cogent and compelling case and discharged the burden of proof in satisfying the court that a faculty should issue. I therefore order that a faculty pass the seal for the proposals set out in the petition, subject to such revisions as Mr Tilley has commended in his letter.
19. Finally, it should be noted that although the petitioners have included in the paperwork documents relating to future phases in the work, this judgment is addressed solely to phase 1 and should not be taken as any indication – favourable or otherwise – as to the view which the court might take on later proposals.

The Worshipful Mark Hill QC  
Chancellor of the Diocese of Chichester

6 October 2015