

IN THE CONSISTORY COURT AT LINCOLN

In the matter of St Helen, Lea

Judgment

1. By a Petition dated 11/2/20 the Petitioners seek a faculty for the removal of the existing glass in the west window and its replacement with a new design in memory of members of the Marshall family who had close links with this church and who led or were associated with the engineering company Marshall, Sons and Co of Gainsborough. The design reflects this engineering heritage, specifically the Marshall traction engine.
2. In the Barley Studio design brief the proposed design is illustrated and explained. In essence the design incorporates reference to the traction engine drawing ploughs through the land to till it and be fruitful, with the words of Christ explaining how if He will be lifted up from the earth he will draw all men to Himself. Also incorporated within the design is the Cross made up of the ploughed furrows drawn by the engine. This is a link with St Helena, after whom the church is named, who found the True Cross on a visit to Jerusalem.¹
3. The existing west window comprises 19th century pressed glass quarries (small diamond shaped panes) which were ordered in the 19th century restoration of this church from Whitefriars Glass also known as James Powell and Sons. Historic England in their letter dated 22 March 2020 helpfully explain the background to these tiles and how they were much favoured by the Cambridge Camden Society and were known as ‘Camden patterns’. It was also a cheaper method of manufacture which also added to their popularity in church restorations at this time.

¹ Henry of Huntingdon was a 12th century canon of Lincoln Cathedral and Archdeacon of Lincoln. With Geoffrey of Monmouth he popularised the idea that St Helena, the mother of the Emperor Constantine, was the daughter of a British king. As a result 135 churches were dedicated to St Helena in Lincolnshire and Yorkshire, of which I assume this was one.

4. The west window is made up entirely of Whitefriars quarries dating from around 1848. The proposal is that the stained glass in the two lights of the west window should be removed and replaced with the new design. This removed glass will then be incorporated into the east window and also to the lower half of 2 lights in the vestry window. The proposed destination of the removed quarries has been explained in the Barley Design brief and the illustrations are very helpful to envisage what could be achieved. However, there is no Petition for the treatment of these two windows with the removed quarries. I must therefore assess this proposal on the basis of what is proposed for the west window alone.
5. The Petitioners have consulted with the Victorian Society who do not object to the proposal. Although it is regrettable, they submit, for the west window to be disassembled they welcome the proposal to incorporate the quarries in the other windows. They submit that it is an appropriate response to the brief and the building.
6. The Petitioners have also consulted with the CBC who do not object to the proposal. In a short email dated 24 February 2020 they expressed some reservations about the design asking that the Cross as represented should look more like the True Cross. They also question the accessibility of the link between the traction engine drawing a plough and Christ's act of drawing all men to Himself. The response of the Petitioners was that there are many stained glass images which are inaccessible to those who are not religiously literate. This may be more accessible than most.
7. The Petitioners have further consulted Historic England who in the letter already referred to, set out their recommendation which is that the west window should remain in situ because it makes a positive contribution to the church and illustrates the designs and ideas current in the 1840s. They suggest that an alternative window should be found for the proposed design. That alternative they submit should be the modern tower arch screen in the ringing chamber.
8. The PCC have rejected this alternative location, noting that the glass that would have to be replaced in the ringing chamber had been donated by Mr Marshall in memory of his mother in the 1990s.
9. Although there has been no party objection, I have considered with care the concerns raised by HE and the CBC. The principles I must

apply are well known and set out in Re St Alkmund, Duffield 1/10/2012. The questions I must answer are:

- (i) Would this proposal if implemented result in harm to the significance of the church as a building of special or architectural interest?
 - (ii) If the answer to (i) is 'no', the ordinary presumption against change applies which can be 'more or less readily' depending upon the proposal and the church.
 - (iii) If the answer to (i) is 'yes', I must then assess
 - (a) how serious the harm would be
 - (b) how clear and convincing is the justification for carrying out the proposals
 - (c) will any resulting public benefit from the proposal outweigh the harm? The more serious the harm the greater the level of benefit will be required. Serious harm to a Grade 1 or 2* church should be only exceptionally allowed.
10. Applying these principles to this proposal, I am satisfied that the removal of the 1848 quarries from the west window would result in some harm to the significance of the church as a building of special or architectural interest. I accept that it has aesthetic value and a design intent which increases its significance. This design intent is demonstrated by the use of 'medieval' designs for flower quarries. It is the original 1848 design.
11. I note that some assess that this was a 'filler' window awaiting a more elaborate treatment at a later date which never occurred, and therefore I should approach my assessment of this window with that in mind. I also note HE's reasons for their belief that given the design element in the window it was not a filler. Whether in 1848 it was a 'filler' or not, I must judge the qualities of the window as it is now having survived 170 years. I do not think that whether in 1848 it was regarded as 'filler' or not lends much weight either way to the arguments.
12. I now must consider the remaining questions (a) –(c) above. The significance of the harm is undoubtedly mitigated by the proposed use of the removed quarries in the east window and in the vestry window as is explained in the design brief. A significant amount of work has been done on this from the illustrations I have studied, and it is essential that a worked up proposal for the use of the quarries

should be presented to the court in a Petition for a Faculty. I, of course, accept that the Petitioners are intending to incorporate the quarries into other windows in the church. However, it will be necessary for a timetable to be set for the presentation of such a Petition so that the Court is kept fully aware of the progress of these plans.

13. I am satisfied that the harm to the building will not be serious given the new design of the 2 lights of the west window. The new design will introduce a new significance to the church given the links to the Marshall family and the use of engineering power in the agricultural life surrounding the church. I am also satisfied that these are also clear and convincing reasons for the introduction of the new design to this window. I am satisfied that the commemoration of the members of the Marshall family in the window in the context of their work and support for the church means that the 'exceptionality' test is satisfied. I am also satisfied that the resulting public benefit will outweigh the harm done from the removal of the quarries from the west window. That benefit is the commemoration of links being drawn by the design of the window which will also assist in the mission of the church in relating the world of earthly work with the divine work of drawing all people to Himself.
14. I am satisfied that a Petition should be granted in the terms sought but with the following conditions:
 - (i) If window guards are to be fitted, no work is to commence before the local planning authority confirm that no planning permission for such guards is required. If permission is required, it must be obtained before work commences.
 - (ii) The quarries removed must be carefully stored under the supervision of a glass specialist ensuring that they remain covered by the church's insurance policy.
 - (iii) A Petition for a Faculty for the redesign of the east window and the vestry window incorporating the use of the quarries removed from the west window must be presented within 12 months. If it is not so presented, the Petitioners must set out in full the reasons why no Petition has been sought, the time table for the redesign of the windows and their proposals for the continuing storage of the quarries.

(iv) The requirements of the insurers in their letter of 20/2/20 are requirements of this faculty and must be met before work commences.

15. I waive my fee for this Judgement.

The Revd HH Judge Mark Bishop

Chancellor of the Diocese of Lincoln

22 November 2020