

In the Matter of Trowbridge, St Thomas

In the Matter of a Petition by:

- (1) Madeleine Archer
- (2) Geoffrey Carter
- (3) Allan Coutts

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## Judgment

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1. The church of St Thomas is rather hidden away behind housing on the north-east side of Trowbridge. It was built in 1868-70 to the design of the well-known local architect, William Smith. It is only about half a mile away from each of the churches of the Holy Trinity and of St James. It was built to provide a place of worship for local mill workers and was partly conceived as a 'low church' alternative to the 'higher' form of worship found at St James' church. This liturgical tradition is reflected in the design of the building. There is no central aisle at St Thomas' church, thus avoiding processions, and the broadly square shape of the building produces a wide, open sanctuary space which is not separated from the nave by a long chancel. The interior of the church is perhaps unusually colourful; the walls and roofs are painted in greens and browns and terracottas; there is rich wooden panelling and a number of painted verses from the Bible referring to St Thomas; there is light stonework and brightly-coloured stained glass. The church is listed Grade II.
2. The incumbent and churchwardens have petitioned for a faculty permitting a substantial re-ordering of the interior of the church. Those changes broadly comprise the following:

- a. The removal of the remaining pews and some green upholstered chairs and their replacement with metal framed chairs upholstered in neutral-coloured fabric;
- b. The lowering of the timber pew platforms to create a level flooring in the nave;
- c. The removal of some of the chancel furniture;
- d. Renewal and development of the lighting and audio-visual equipment;
- e. Repairs and refurbishment of the north and south doors (including one new set of inner doors), of the roofs, rainwater goods and some stonework.

These works are the first phase of a wider programme of works planned for this church. The next phase relates to the significant re-ordering and development of the modern hall and meeting rooms which surround the church to the north and east. That phase includes opening up a large entrance in the north wall of the church - a proposal which was initially part of Phase One, but which has sensibly now been deferred until Phase Two. The parish also has plans for the development of its chapel of ease, Holy Trinity church. All of these proposals are part of a carefully planned strategic vision for the future of the parish in its efforts to reach out to and serve its community. I am, of course, concerned here only with the currently proposed changes to St Thomas' church, but I am mindful of the wider context within which this application is made.

3. As required under the Faculty Jurisdiction Rules 2015, the petitioners have sought the views and advice of a number of bodies. The Diocesan Advisory Committee has recommended the works for approval. Historic England and the local planning authority have declined to comment. The Victorian Society objects to some aspects of the works, whilst conceding that other aspects are justified. There have been no other objections received as a result of the Public Notices which have been displayed at the church and on the Diocesan website.
4. Much of the work proposed is accepted by all concerned to be appropriate, or at least acceptable. I do not intend to address these uncontested works here. I am satisfied that they are justified and a faculty shall pass the seal in relation to them. Rather, in this judgment, I will focus my attention on the two areas where concerns have been raised and where there is a lack of consensus, namely:
  - a. The replacement of the seating; and
  - b. The changes to the chancel flooring and furnishings.
5. Before dealing with these two areas of contention, it is important to acknowledge the approach which the parish has taken to the development of this scheme. The scheme which is currently before me has been significantly adapted from that which was originally

proposed. This has taken place in response to the advice received from the DAC and the Victorian Society; the parish have listened to the expertise which has been shared. A number of compromises have been made to accommodate and address the concerns raised. Those changes include (a) the retention of the altar and the bishop's chair in the sanctuary; (b) the removal of the proposed carpeted dais over the chancel floor; and (c) the choice of a more neutral fabric colour for the chosen chair upholstery. In its most recent correspondence of 11 September 2018 the Victorian Society expresses "disappointment that most aspects of our detailed and carefully considered advice of 29 May...have seemingly not been taken into account". I consider that criticism unfair given the changes made by the Petitioners to the proposed works after receipt of that advice - changes which accommodate all concerns raised in that advice save for the choice of new chairs and the retention of the communion rail, lectern and reading desk.

6. The Victorian Society has indicated that it does not wish to take formal party status in these proceedings, but wishes its representations to be taken into account in determining the Petition. I have, of course, done so. Given the content of those representations I felt that I could not fairly determine the Petition without first visiting the church. I did that on 25 September. I am grateful to the incumbent and administrative staff for their discretion in allowing me access to the church and the time to inspect it undisturbed.

### **The seating**

7. Pews were removed from the west end of the nave some time ago. That space is currently filled with light wooden framed chairs with green upholstered backs and seats. The pews that remain are handsome, though not especially significant (although they have rather charming, simple brass umbrella rails). The Victorian Society, as long ago as February 2016, indicated that it did not object to the removal of the pews as long as the nave flooring was retained and suitable replacement seating was selected. It seeks the retention of sample pews to serve as an historical reference for future generations. The Petitioners have indicated in their Fixtures and Fittings Schedule a willingness to accommodate this.
8. The chosen replacement seating is the simple metal framed SB2M chair upholstered in a hardwearing and highly cleanable biscuit-coloured Nappa fabric chosen to match the cream colour in the aisle floor tiles. There was a sample of the chair available to view at the church.
9. The DAC has accepted the choice of chair, having advised on which choice of fabric was more appropriate. The Victorian Society objects to upholstered seating of any sort, principally on aesthetic grounds, and

refers to the Church Buildings Council's Guidance Note on Seating which discourages the use of upholstered chairs as not in keeping with the character of a listed church.

### **The chancel**

10. The chancel floor is covered in Victorian tiles, some patterned, laid in a geometric pattern of green, brown, cream and terracotta. It contains a full set of chancel furnishings, expressly referred to in the listing entry. The font, pulpit, altar, lectern and reading desk are clearly of a set in that they all contain distinctive marble legs or shafts. They are, presumably, original to the church. The altar rail runs almost the whole width of the chancel and is of carved oak fixed on three red- and gold-painted ornate metal shafts. There are other items of wooden furniture - including priests chairs - which are to be retained.
11. The parish's original desire was to raise the level of the chancel floor by one step and cover it with a carpeted dais in order improve visibility of and for those leading worship from the chancel. They also wanted to remove the heavy Victorian chancel furniture, save for the font in the north east baptistery and the pulpit - both of which are fixed. Both the DAC and the Victorian Society raised concerns about the impact of those proposals on the significance of the chancel.
12. As mentioned above, the parish no longer seeks permission to cover the tiled flooring nor to remove any of the chancel furniture save for the lectern, reading desk and altar rail. The chancel step is carpeted, although that carpet is worn and the parish seeks permission to replace it. The DAC has made it a proviso of its recommendation of the works that the chancel step should be left uncarpeted.
13. The Victorian Society has expressed concern that the loss of the items of furniture would rob the building of some of its most distinguished and important fittings and would fragment the fine group of liturgical furnishings. That would, it says, harm the significance of the building without any suitably articulated need to outweigh that harm. That advice is clearly provided on the basis of the incorrect assumption that the carpeted dais is still to be introduced to cover the striking tiled floor.
14. The parish are clear that the heavy marble reader and lectern and the altar rail are not in regular use (communion being taken standing) and that they limit the flexible use of the chancel, particularly for the Messy Church and other family services when an open space in the chancel would be beneficial.

## The law

15. In determining this petition, I must apply the guidelines set down by the Court of Arches in *Re St Alkmund, Duffield*<sup>1</sup>. Those guidelines take the form of a list of questions:

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) 7 PD 21, 26-8, and the review of the case-law by Chancellor Bursell QC in *In re St Mary’s, White Waltham (No 2)* [2010] PTSR 1689 at para 11). Questions 3, 4 and 5 do not 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 (see *St Luke, Maidstone* at p.8), 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 1 or 2\*, where serious harm should only exceptionally be allowed.

The questions have been refined further by the Court of Arches in *Re St John the Baptist, Penshurst* (9 March 2015).

16. I have described something of the history and significance of the church earlier in this judgment. The *Pevsner* entry for the church is, if anything, rather terse – describing the church as “[a]n original design certainly, but just a little nightmarish.” The Listing Entry is rather more fulsome, giving an unusual level of detail about the internal fittings, including the chancel furniture referred to above. The symmetry of the original design is noted along with the gabled roofs and porches.

17. Would the proposals result in harm to the significance of this listed church? Having considered all of the information and evidence provided, I have concluded that harm would be caused to the overall significance of the building. In particular the fragmentation of the fine set of chancel furniture would cause some harm as would the loss of the whole set of pews.

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<sup>1</sup> See *Re St Alkmund, Duffield* [2013] Fam 158 at para 87.

18. How serious would that harm be? I do not think that the harm caused by the loss of the pews would be serious. The pews themselves, though attractive enough, are not of especial quality and the ranked order which they provide to the interior will be maintained, to a degree, by the preservation of the aisles through the layout of the flooring. I have no reason to think that the chairs will not rest in ranks like the current pews when they are not required in some other format for a particular occasion. I note that the current chairs are clearly left in orderly ranks at the rear of the nave whilst not in use. The harm caused by the loss of the full set of pews would be mitigated by the retention of two (or more) sample pews to serve as an historical record. I will make it a condition of the faculty which will issue that such sample pews are to be retained in the church.
19. The replacement chairs are unremarkable, but inoffensive, particularly as the chosen upholstery is of a matt and neutral colour which blends with the yellow stone of the roof arches and the cream coloured floor tiles.
20. I am concerned that the fragmentation of the set of chancel furniture - the retention of the pulpit, font, altar and bishop's chair alongside the disposal of the lectern, reader's desk and altar rails - would also be harmful, although not seriously so. It is a fine and striking set which is original to the church and lends the chancel and sanctuary a particular dignity.
21. How clear and convincing is the justification for the proposals? The parish's needs are set out in the substantial Statement of Needs and other supporting documents. I have found the justification put forward for the proposed changes to be both clear and substantially convincing. They have conceived of a clear and outward-looking strategy for the future growth of the church's mission - one based on their guiding principles of "welcome, flexibility and integration". The worship and wider activities planned and undertaken within the church require a flexibility which can only be afforded by the removal of the pews. The chosen chairs are light and stackable, providing good flexibility. The aesthetic impact of the upholstered chairs, with their muted colouring, will be much more modest than it might be in another church given the unusually colourful and busy décor of St Thomas' church. Certainly, those chairs will be less intrusive aesthetically than the bright green upholstery of the chairs which currently sit to the rear of the nave. I will make it a condition of the faculty which issues that those chairs must be removed so that a coherent set of seating is in place. Evidence has been provided that the chosen fabric will be hardwearing and readily cleanable. There is some force in the argument that this slightly less formal type of chair is, to a degree, in keeping with the liturgical origins and design of the church as a place offering a 'lower' style of worship to the local workers.

22. Where I find the justification provided less convincing is in relation to the disposal of the chancel furniture – namely the lectern, reader’s desk and altar rail. As far as the altar rail is concerned, I accept entirely that its presence significantly restricts the use to which the chancel area can be put. Further, the striking marble legs and columns which so clearly show the other pieces to be of a set are notably lacking from the altar rail. The loss of the rail will not cause harm and will greatly improve the uses to which the chancel can be put.
23. The lectern and reader’s desk are, however, clearly part of the church’s noteworthy set of liturgical furniture. Their loss would cause some, albeit slight, harm. Unlike the altar rail, I cannot see that the presence of the lectern and reader’s desk in the chancel will significantly affect the manner in which the area can be used for worship. Indeed, when I visited the church both items were placed discreetly at the back and to the side of the sanctuary area. Neither occupied a significant amount of space and, although heavy, each could be (and clearly was) moved when necessary. I do not think that there is a clear and convincing justification for the fragmentation of this significant set of liturgical furniture and the lectern and reader’s desk must remain. Though they may not be in use by the current congregation, future generations may wish to bring them back into use.
24. I pause here to note that the ecclesiastical courts have established a different approach to the disposal of church property from the *Duffield* approach to changes to listed buildings. Clearly the lectern and reader’s desk are moveable items and therefore the Court’s approach to their disposal should be governed not by the *Duffield* guidelines but rather by the guidance on the disposal of church property as principally set down by the Court of Arches in *Re St Lawrence, Oakley with Wootton St Lawrence* [2015] Fam 27. I make it clear at this stage that, in this case, I do not consider that the *Wootton St Lawrence* approach will provide a different result to that which would come from the application of the *Duffield* guidelines. The lectern and reader’s desk are part of a set of important original liturgical furnishings, some of which form part of the building itself (i.e. the font and the pulpit). This renders them “of particular (or special) historic, architectural, archaeological or artistic interest”<sup>2</sup> in the context of this particular church (although I am not sure that the same would be true if they were, at some point, moved to another church). For the reasons identified in my consideration of the *Duffield* guidelines, I cannot see that there is any special reason which would justify the disposal of the lectern and reader’s desk.
25. Finally, the DAC have made it a proviso of their recommendation that the chancel step, which is currently covered with rather tired modern carpet, should remain uncovered once the current carpet has been

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<sup>2</sup> See *Re St John the Baptist, Penshurst* (9 March 2015, unreported) at para 24.

removed. It is assumed (and it appears) that the step beneath is made of stone. The Petitioners are concerned that the stone will be in too poor a condition to leave it uncovered and therefore wish to be able to recover the step with new carpet if needs be. I agree with the DAC that the chancel step should remain uncovered if at all possible. The carpet has an unnecessarily domestic feel and clearly will wear unhappily in a relatively short space of time. It is not needed for kneeling as the altar rail is to be removed and communion is, in any event, taken standing. I shall adopt the DAC's proviso as a condition of the faculty, but make provision for any alternative solution to be agreed with the DAC if the condition of the stone step, once exposed, proves unacceptable. In the event that agreement cannot be reached with the DAC the matter may be referred back to me for determination.

26. It will be apparent from the above that I am satisfied that the relatively modest harm which would be caused by these proposals has been outweighed by the justification provided and a faculty will issue subject to the conditions set out in this judgment. I have been impressed with the vision of this thriving parish and wish them well in their work of welcome to and engagement with the community in which they have been placed.

The Worshipful Canon Ruth Arlow  
Diocesan Chancellor

19 October 2018