

**DIOCESE OF SHEFFIELD**

**In the Consistory Court**

Her Honour Judge Sarah Singleton QC  
Chancellor

**In the Matter of Christ Church Fulwood**

**Judgment**

**The Petition and the process**

1. By a Petition dated 20th August 2017, the incumbent and church wardens of Christ Church Fulwood seek permission to construct a link building between the church building and the church centre on the same site and to carry out extensive works of internal re-ordering in the church building. The works proposed constitute Phase II of an extensive programme of alteration and development proposed by the parish for the buildings. The site of the church, its churchyard and the church centre is a triangle of land in the Fulwood district of Sheffield, formed by the junction of Brookhouse Hill, Chorley Road and Canterbury Avenue.
2. In a previous judgment ([2017] ECC She 6), I considered and largely approved the grant of a faculty to permit works assigned by the Petitioners to Phase I of the plans. The Petitioners are apparently unable to comply with a condition I included, regarding the destination of the church's existing pipe organ which they propose to remove from the church as part of their re-ordering plans, and have filed a fresh petition, supported by the DAC, requesting the removal of that condition concerning the disposal of the organ.
3. The DAC considered the Phase II works at its meeting on 13th March 2018. Its determination was neither a recommendation in favour of the works nor advice against them, but rather a decision not to object to the proposals, with provisos to apply should the proposals affecting the chancel and east end of the church be permitted by my judgement in the matter. The DAC has accompanied its notification of advice with a detailed narrative of its reasoning. The Petitioners have submitted extensive documentation in response to the reasoning of the DAC and the historical amenity bodies. Those documents in response include a Heritage Statement prepared by Mary Clemence, of Frances Verity Perspectives, who has also prepared the Petitioners' Statement of Significance. She is a planning and heritage consultant instructed by the Petitioners in July 2017 in connection with their petition and an application to Sheffield City Council for planning permission for their proposed external works (which has been granted).
4. A reading of the documents suggests that the Petitioners and the DAC have become involved in escalating exchanges played out through the framework of the faculty structures. This has resulted in the process in this case becoming prolonged and complex. There has been a search for a plan that the DAC and the Petitioners can agree upon, each seeking to persuade the other of their perspective on the heritage issues.

My experience of the Diocese suggests that this is an approach which often produces carefully worked through proposals which balance the objectives and needs of the parish with good conservation. A review of the documents in this case with the benefit of that great informer, hindsight, reveals that it was not likely that the Petitioners would be persuaded of the need to amend their proposals and that attempts to secure a compromise merely resulted in them redoubling their contributions in which their conviction as to the correctness of their stance is clearly revealed. Hindsight also suggests to me that the Petition to this court could well have come earlier once the issues were clearly and starkly defined.

5. The Church Buildings Council, Historic England, the 20th Century Society and the Victorian Society have been consulted throughout the development of the plans. Historic England supports some of the proposals of Phase 2 but objects to those affecting the chancel and east end of the church. Historic England has not become a party opponent but was content to request that I take into account its letter of objection in coming to a decision. Its position and reasoning is replicated in the correspondence of the other historical amenity societies and in the guidance issued by the Church Buildings Council. The Victorian Society is concerned about the proposals in respect of the font and the lectern but has not joined the proceedings as a party opponent and neither have the Church Buildings Council or Historic England. However, the 20th Century Society has done so, being particularly concerned about the proposals for the chancel and east end of the church.
6. The Petitioners and the 20th Century Society have agreed that I should come to my decision upon a review of the documents without an oral hearing. An agreed bundle of core documents has been submitted by them jointly for my consideration.
7. I visited the church on Saturday 25th August 2018. I had previously seen it as part of my introductory tour of the Diocese when first appointed Deputy Chancellor, and I included my recollection of that visit in my judgment about Phase I of the works of re-ordering. I was accompanied in August this year by the DAC Secretary, Dr Julie Banham, and we were warmly welcomed by Mrs Fiona Lockwood, the premises manager, and by the Reverend Paul Williams, the Vicar. Essentially, however, the visit was my opportunity to look at the church quietly on my own. I particularly wanted to view the interior, observe the features and reflect. I did not discuss the merits or any aspect of the present petition during my visit. That was not my intention. It was a beautiful sunny day. Both the church and the church centre were relatively quiet but there were a number of cheerful and enthusiastic young people gathering on Canterbury Avenue on their way to a church-organised weekend away. The sunshine outside enabled me to see the features of the church at their best, because light was streaming in through the windows. The generous presence of light is a key feature of this church. This includes the light descending from the windows above the chancel. However, my appreciation of this feature was slightly obstructed by the presence of a projector screen. I noted that the seating is mixed and, to the untrained eye, something of a hotchpotch: there are some wooden chairs, some light-coloured wooden pews and some, perhaps older, darker wooden pews. At the front of the centre aisle was a collection of musical instruments including drums and amplifying equipment, which, I assume, are there all the time for worship. I visited and sat in the gallery over the west end and saw for myself how the very large structure of the organ renders the seating in the gallery an uncomfortable and disadvantageous place to sit. Whilst this is a congregation whose worship is word and not symbol based the design of the church interior does incorporate beautiful symbolism. I noted a few areas of damp on the

ceilings and walls and assume that, whatever my decision about the re-ordering, that basic maintenance and renewal will also be carried out as a priority.

## The Church

### 8. The buildings and their setting in outline

Christ Church Fulwood is a Grade 2 listed church and is, therefore, deemed to be a nationally important building of special architectural and historic interest. It is located in a suburb in the south western fringes of the city of Sheffield where the population is generally professional and affluent.

The triangular plot occupied by the church buildings forms the north-western extension of the Fulwood conservation area. The church is a prominent land mark in this part of the city.

The church building was constructed in 1837 and extended, between 1953 and 1956, with the addition of a south aisle and east end designed by George Pace. In 1983 the north aisle was added with a balcony above, designed by R. G. Sims who had been Pace's assistant. The church is described in its listing as a major work of George Pace. The church centre was originally a church school but has been used by the church since the 1970s.

## Listing

### 9. The church building at Christ Church Fulwood is designated as a building of special architectural and historic interest for the purposes of the Planning (Listed Buildings and Conservation Areas) Act 1990. It has been listed since June 1973.

The Historic England registry of listed buildings under number 1246925 includes the following details:

*Formerly known as: Christ Church FULWOOD ROAD. Parish church. 1837-39. By R Potter. Chancel and south aisle 1953-56, north aisle c1963 and west end stair turrets c1980, by GG Pace.*

A full description of the building follows and the entry concludes

*This church is a major example of the work of GG Pace, sometime Diocesan architect.*

Having read the entry and also the written representations of Emma Sharpe, the Historic Buildings and Areas inspector who has dealt with this matter for Historic England in respect of these proposals, I consider it likely that the main reason for the listing is the work and influence of George Pace. That is also the view expressed in the latest edition of Pevsner.

## **Worship and Mission**

10. The average Sunday attendance over four services (8.00 am, 9.15 am, 11.00 am and 6.30 pm) is of 887 adults and more than 200 children and teenagers.

There are a very large number of activities, meetings and events during the week at the church and church centre. There are nearly 2000 visits to the site each week. Most of these events are in the church centre which is used intensively. The parish runs an impressive number of weekly courses and events for groups including pre-school, children, 11-18s, students, 20s-30s, internationals, families, men, women, senior citizens, Bible training, ministry training scheme, a Mandarin Fellowship, 'Christianity explored' courses and music. During an average week, 16 to 18 events take place plus four services on Sundays to accommodate the large numbers and specialist age groups which the church leaders and congregation seek to support.

The church itself is less well used than the church centre, except for Sunday services. When I visited the church in 2013 and then taken on a useful tour of the prominent churches of the Diocese by the DAC Secretary, the church centre was buzzing with activity whilst the church itself was all but empty and silent. During my second visit, on a Saturday, the church centre was quieter than during my first visit but still active. The church was again empty and silent.

11. The Parish benefits from generous giving and has a large budget. Close to £1 million was spent during 2015. Over £2 million has been pledged or given so far to finance the proposed changes to the buildings included in the present and earlier petitions.
12. The Parish's theology is firmly set, for the foreseeable future, within the conservative evangelical tradition. The stated vision of the parish is to 'plant churches, train leaders and grow Fulwood'.
13. The Petitioners consider that there is a fundamental need to adapt the interior of the church itself to provide a more practical building. During the last few decades, development has been piecemeal and there is now a wish to take a holistic approach. Furthermore, the QI inspection of 2015 revealed the need for repairs and maintenance, particularly to the north aisle gallery roof. An extensive and careful survey of those who use the church makes clear that they support the planned works. Sheffield City Council's planning officer has been informed and consulted and does not oppose the works proposed to the outside of the building. The church and church centre need a scheme which unifies them and enables the spread of the many works and activities carried out in the church centre into the church building, so that the now separate buildings become one vibrant hub.

## **The Works**

14. The Petition and the Notification of Advice schedule the following works

- 1) A link building joining the church building and Church Centre (hall) with associated drainage.
- 2) Re-ordering the church building:

- a) Replacing pews with chairs (pews to be disposed of as per DAC instruction).
- b) Alteration to furnishings – font moved to traditional west entrance position; pulpit returned to original position; architectural lighting relocated; chancel wall cross relocated; surplus communion rails to be disposed of as per DAC instruction.
- c) New heating system with underfloor heating and new floor finishes.
- d) A raised dais from north to south incorporating an access ramp in the south aisle.
- e) New lighting scheme, audio-visual equipment to be upgraded to modern standards.
- f) Insertion of curtain wall in east end in main arch and side arches – preserving the arches illustrative of the work of Pace whilst providing meeting rooms, offices and storage space over three floors, to bring the east end into regular use.
- g) Insertion of additional glazing to reduce environmental impact.
- h) Blinds in south aisle windows to control glare.
- i) Insertion of glazed multi-fold partition below north gallery.
- j) Alteration to vestry area (NE corner) and stairwell (SW corner) to provide toilet facilities.
- k) Insertion of server in SW corner.
- l) Addition of lancet windows to the east end (as originally conceived by Pace)
- m) Improvement to ventilation by insertion of vents in roof (design to be finalised).
- n) Reorientation of staircase in NW corner to provide access to link building and new spiral staircase in SE corner.
- o) Removal of some walls in west end to improve access.
- p) Removal of some walls in east end to facilitate access, with improved drainage to roof in NE corner.
- q) Relocation of war memorials to improve readability.
- r) Provision of new organ in present vestry doorway.

Future plans may include the relocation of the main catering kitchen within the Church Centre.

## The Law

15. The law applicable to petitions for works to listed buildings has been extensively considered and is now settled. Permission or the refusal of permission for such works must be considered with regard to the 'Duffield' questions derived from paragraph 87 of the Court of Arches decision in *Duffield, St Alkmund* [2013] Fam 158.

The questions are these:

- (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.
- (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 listing building will any resulting public benefit (including matters such as liturgical freedom, pastoral mission, 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 be particularly the case if the harm is to a building which is listed Grade 1 or 2\*, where serious harm should only exceptionally be allowed.

16. I have also had regard to aspects of two recent decisions by fellow Diocesan Chancellors. In each case, they permitted works of re-ordering of listed churches against the objections of historical amenity societies. The first is the decision of Collier Ch. in the matter of Holy Trinity Hull. (2017 Ecc Yor 1). He was faced with evidence that a key feature of a Grade 1 listed church would be permanently lost if he permitted the re-ordering sought. His judgment carefully analysed the financial circumstances of that church and concluded that, unless the re-ordering works were permitted despite powerful arguments from the Victorian Society about the value and significance of the features that would be lost, there was a probability that the church would cease to be financially viable. That probability carried with it, in turn, the real possibility that the building, as a building of historical and architectural significance, would be entirely lost in any event. I have also read and noted the decision of Rodgers Ch. in the matter of St Philip and St James Leckhampton. (2018 Ecc Glo 1) which has been widely reported in the general press. The final submissions of the Petitioners here referred me to that decision and in particular to Chancellor Rodger's sentiment that:

*If active Christian church communities fail to keep/build up their worshipping members and financial support, on a broader base, the ecclesiastical use of a Church building will cease. The whole local community will lose out when it may be too late.*

I note that Rodgers Ch. considered each element of the re-ordering sought in her case separately and concluded, largely, in favour of them going ahead. However, she also took the view that the whole scheme was indivisible and that she should not tinker and pick one aspect of the scheme to be allowed while rejecting another. I do not consider that the same indivisibility applies in this case. In particular, the proposals for the east end of the church are easily separable from the other elements of the proposals.

### **The submissions of the Petitioners**

17. Christ Church Fulwood is a large and successful church deeply committed to mission, training leaders and church planting. It is primarily defined by its purpose namely worship and mission. The final submission of the Petitioners to the DAC says:

*In line with this principle we are concerned that the DAC gives due regard to Christ church Fulwood being a centre for worship and mission – Christ Church Fulwood is primarily defined by purpose – its worship and mission. Consideration of the buildings must be subservient to this first Principle'.*

This is extracted from one of the exchanges between the Petitioners and the DAC in which the Petitioners sought to assert that the DAC should pay greater heed to the church's purpose than to the importance and significance of its buildings.

The argument that church buildings are subservient to their purpose and, therefore, the assertions of the Petitioners as to their needs for worship and mission must overcome conservation considerations, conflicts with the principle upheld by the law that churches and church buildings are national assets and that the present incumbent and congregation are temporary custodians only. The tension of that conflict is one that has been considered and played out over many years in the reported cases. The Duffield decision and questions are the ultimate iteration of the route to resolution of that conflict in accordance with the established law.

Space in the buildings at Fulwood is at a premium. The current set up means that the church is under-used and the church centre is heavily used and crowded. There is a need to free up space to improve access and facilities.

### **The proposals, the DAC Advice and the arguments**

18. A simple reading of the list of works in the petition, public notices and DAC notification of advice is amplified by the DAC narrative of its advice of March 2018 which states:

*Much of the work can be readily supported. That at the west end to improve access and facilities, new seating, heating, lighting, AV and the installation of secondary glazing and blinds to help control glare and temperature are acceptable. The removal of pews and their replacement with chairs in accordance with advice supplied by the Church Buildings Council is supported as the pews are of poor workmanship and increasingly fragile. Together with proposals to insert a moveable glass screen under the north gallery the space created will greatly increase the capacity of the parish to carry out training programmes. The creation of a covered walkway between the church and church hall and alterations to the north-west entrance to the church building will ease access and enable large numbers to move with comfort in all weathers. Several of the above items require further detail but the DAC is satisfied in principle and supports the above proposals.*

*To maximise space for this purpose, the parish further proposes to enclose the chancel by adding a curtain wall between the east end and arches designed by George Pace to provide a substantial vestry, storage for chairs and tables, an upper meeting or training room with additional storage above. To provide some illumination, they propose to 'recreate Pace's intention' for windows in the east wall, together with a fire escape that will lead into the churchyard. A spiral staircase will be inserted within the south-east chapel, the only intimate space within the building, and give a second means of escape from the upper meeting or training room. Artificial light will illuminate the curtain wall replacing the natural light from high clerestory windows in the chancel tower. The church wish to dispose of Pace's chancel furnishings and lighting and to relocate the substantial cross he designed for the east wall onto the north-east wall of the nave.*

The DAC had already, in January 2018, offered an indication of its views on Phase II in writing to the Petitioners.

In that document, the DAC set out a table of the proposals, with its responses as at January, as follows:

Phase 2.1	A link building joining the church building and Church Centre (hall) with associated drainage	Supported with provisos
2.a	Replacing pews with chairs	Supported with ref to Church Care guidance
2.b.1	Font moved to traditional west entrance position	Supported
2.b.2	Pulpit returned to original position	Supported
2.b.3	Architectural lighting relocated	Locations requested
2.b.4	Relocation of cross	Central position preferred
2.b.5	Disposal of communion rails	Supported
2.c	New heating system with under-floor heating and new floor finishes	Supported but details required
2.d	A raised dais from north to south incorporating an access ramp	Supported – to conform with current legislation
2.e	New lighting scheme	Supported with comments
2.f	Insertion of curtain wall and associated works	Questionable – more detail supplied for consideration
2.g	Insertion of additional glazing	Supported
2.h	Blinds in south aisle windows	Supported
2.i	Multi-fold partition below north gallery	Supported
2.j	Alteration to vestry NE corner	Supported
2.k	Servery in SW corner	Supported
2.l	Addition of lancet windows to the east end	Dependent on outcome to 2.f
2.m	Roof ventilation	Awaiting detail
2.n	Reorientation of staircase in NW	Supported
	...new spiral staircase in SE corner	Dependent on outcome to 2.f
2.o	Removal of some walls in west end	Supported
2.p	Removal of some walls in east end	Supported
2.q	Relocation of war memorials	Supported
2.r	Provision of new organ	Supported with wiring runs if appropriate

The DAC position, therefore, is that, with some minor provisos as to detail, it would support and recommend the proposals, **apart from those involving the chancel and the east tower.**

The Victorian Society was concerned about the proposed relocation of the pulpit, font and lectern. According to its letter of 10th October 2016 to the incumbent, it wanted those items to be placed or retained in 'positions of honour'. I have interpreted the final proposals as fulfilling that condition.

I also infer, from the information given by the Petitioners, that the City Council has approved the plans for the outside of the building and that its recommendations as to the link building are incorporated into the final plans.



19. The proposal to which strong objections are made by Historic England, the 20th Century Society and the CBC is that which 'fills in' the chancel, by adding a curtain wall, and provides a substantial vestry, storage for chairs and table, an upper meeting or training room, with additional storage above. This proposal stands with a plan to 'recreate Pace's intention' by inserting Pace-type windows in the east wall, together with a spiral staircase within the south east chapel as an access/fire escape route to and from the office space to be created above the chancel.

The Petitioners seek to install a new lighting system. I am, at present, unclear whether what is proposed is linked to the chancel proposals or not.

This proposal constitutes, therefore, a permanent dismantling of the chancel designed by George Pace in 1954- 56 as part of a programme of major works at that time.

20. The DAC says this of the 'Pace elements' in the church:

*The chancel was designed by George G. Pace in 1954-56 and formed part of a major sequence of work including 'chancel, south aisle, west porch including furnishings, altar, pendant lights, altar rails, kneeler, font cover, altar cross, altar vases, choir stalls, pews, hanging cross' (Peter Pace, The Architecture of George G. Pace, (1990), p. 244). Later works by Pace at the church included the north aisle c1963. The west end stair turrets were completed c1980 by Ronald Sims...*

(I pause to note that the accuracy of this summary is disputed by the Petitioners)

*The chancel work forms an early example of Pace's response to the Anglican Liturgical Movement which he saw as 'not something applied from without as a desirable theory. It was something living which demanded satisfaction' (George Pace, 'Church Architecture – A Practising Architect's Viewpoint', transcript of a talk to the Cambrian Archaeological Association Conference, Lampeter 1962). The chancel represents a working-out of Pace's view that ecclesiastical architecture should be organic, 'with the strength and suppleness of a truly living organism', such as was being explored by the Liturgical Movement as it sought to engage with the needs of a changing society (R.C.D. Jasper, The Development of the Anglican Liturgy 1662-1980, (1989), p.199). Peter A. Fawcett, in his paper 'Sheffield and the RIBA Festival Year' (Yorkshire Architect Journal of RIBA, Yorkshire Region, November/December 1985, 105) describes the canted brickwork of the chancel as offering 'drama from sheer uncluttered surfaces on a huge scale'. These views are offered to provide some context for those expressed by amenity bodies and the Church Buildings Council in their responses to appropriating the Pace chancel for storage and meeting space.*

21. It is the Petitioners' proposal to remove and dispose of the chancel furnishings and lighting and to relocate the substantial cross, which Pace designed for the east wall, to the north-east wall of the nave.
22. The Petitioners argue, in support of their plans for the chancel and east wall, that the present design is in conflict with the churchmanship of the church's leaders and congregation, harking back to 'catholic practices'. They interpret the design as one which emphasises a separation of church and laity. This, they say, runs contrary to the theology of the church, because Christ Church Fulwood's ministry is that of a church where 'God is the God of the ordinary person accessible to all and available to all'.

They went further in their closing assertions to the DAC:

*The present church architecture of the East End, if left unchanged, will do nothing to promote ongoing development of ministry. It does not support the evangelical theological position of Christ Church, which is not a modern trend or whim but can be traced back over many decades. The present architectural arrangement stands in contrast to the confessed belief of the congregation. The distant exaltation of the 'Priest' and 'Altar' could not be further removed from our present theological position. The 'Priesthood of all believers' is not promoted by the present arrangement.*

They go on...

*In order to give integrity to the building and the message, the chancel needs to be closed off. Pace's **Catholic** arrangement **needs** to be altered. This falls under the category of liturgical freedom, pastoral well-being, opportunities for mission, and putting the church to variable uses that are consistent with its role as a place of worship and mission.*

Christ Church Fulwood Phase II Development, 1st February 2018

The DAC cast doubt over this interpretation of Pace's chancel works and point out evidence from the architect's own theological associations during his lifetime which suggest a contrary interpretation of this work from that criticised by the Petitioners.

They say:

*It is, however, of note that Pace was a member of the inter-denominational New Churches Research Group founded in 1957 to consider ways of addressing ideas put forward by the Anglican liturgist Peter Hammond in his *Liturgy and Architecture*, a key work of the Liturgical Movement. Hammond argued that traditional forms of modern church architecture enshrined an 'excessively clerical liturgy remote from the congregation. Instead, he urged the formation of a church architecture that promoted congregational involvement, a "corporate worship", which he thought would recapture the spirit of early Christian liturgy', (Robert Proctor, *Building the Modern Church: Roman Catholic Church Architecture in Britain, 1955 to 1975*, (2014), pp. 133-4). His work may be found in over two hundred churches representing a number of denominations. Arguments may thus be made both for and against the view that the present chancel arrangement at Fulwood serves to include or exclude the ordinary person.*

### **DAC notification of Advice March 2018**

23. Whilst a Diocesan Chancellor, arguably, has authority in doctrinal matters which some of my colleagues relish, I decline to rule on this conflict of interpretation of the chancel space between the Petitioners and the DAC. The Petitioners may believe that the design was intended to emphasise separation between priest and congregation, contrary to their churchmanship, but they are not obliged to use this feature of the church in that way. Their distaste for the perceived concept might justify changes in the way the space, as it is, is used but does not justify or strengthen a justification for the dismantling of an architecturally significant feature. Overall, I do not consider that their right to liturgical freedom is engaged or compromised by a refusal to permit the dismantling of this feature.

24. The Petitioners say this about the need for the 'closing off' of the Pace chancel:

*The consequence of closing it off results in there being considerable space on up to three levels, which would be in a very convenient position to serve the frequent use of the church as a place for mission. It may seem that office space, vestry, and storage are theologically so mundane to insert in a chancel, but if that assists people to come to Christ, and obtain eternal salvation, then every square millimetre should be set aside to aid that purpose. The focus is to make the church available for the countless events, groups and activities that will build on the current fruitfulness exhibited by this church, for the single purpose of fulfilling its call to mission.*

### **Christ Church Fulwood Phase II Development, 1st February 2018**

25. The Petitioners have submitted evidence from which I infer that they wish to argue that Pace's work is not worthy of the significance attributed to it and, therefore, not as worthy of preservation as the church's listing and the views of the historical amenity societies commenting upon their proposals might suggest.

In support, they cite a letter written to the Catholic Herald on 21st June 2002 by Father Anthony Symondson, a Priest and then editor of the Collins Guide to English Parish Churches, which reads as follows:

*From Fr Anthony Symondson S.I*

*Sir, Peter Pace is a nice chap with whom I have no quarrel. He published an excellent study of his father, the church architect George Pace, which is a model of its kind and I understand his sensitivity to criticism of the King George VI Memorial Chapel, Windsor (letters, June 14). His loyalty is as it should be and I am pleased he has come to Pace's defence. I am reluctant to burden him with the views of an earlier generation. Pace was a controversial architect and provoked strong disapproval from some of his professional colleagues. Although this dates from long ago I want to put the record straight. I am not following fashion by questioning his work now that it is no longer popular.*

*In 195 (?sic – from the petitioners' submissions) I was asked by John Betjeman to complete the editing of the two-volume edition of Collins Guide to English Parish Churches. This involved corresponding with the contributors and collating their submissions. One was George Pace who wrote some of the Yorkshire entries. Time and time again he jotted down "Altar, font cover, screen, stalls, chapel, organ case", or whatever, "designed by G.C. Pace". Pace was a master of self-promotion and the Sixties marked the height of his influence.*

*I saw some of the churches he described and was progressively repelled by the ugliness and repetitiveness of his work, its ubiquity, and the cavalier ways he spoilt the achievement of architects better than himself. I disliked it from the start and it would be dishonest to pretend otherwise. Pace was ruining the tradition he claimed to embody. Encouraged by Betjeman, I removed many of the references. He did not want Collins Guide to boost careers.*

*At the same time, I met Stephen Dykes Bower, the Surveyor to the fabric of Westminster Abbey. It pains me to have to say this, but he left me in no doubt of his views of Pace's professional unscrupulousness, "vulgarity of mind", and ruthless*

*personal advancement. Sebastian Comper and Francis Johnson had similar attitudes; all three had suffered from Pace's ambition and had in consequence lost work. They were artists, men of education and taste, working in a unified craft tradition. Elizabeth Hoare, of Watts & Co, loathed executing his embroidery. They disliked his work as much as I did.*

The piece continues in the same highly negative vein.

I do not consider it proper or appropriate to determine the accuracy of the writer's view, that a prominent and widely respected twentieth century church architect was neither very good at architecture nor worthy of much respect personally.

26. The Petitioners rely upon the fact that the listing is Grade 2 and not Grade 2\* or Grade 1. I understand their case to be that a Grade 2 listing is of relatively diluted importance compared to Grade 2\* or Grade 1. The meaning of the classifications of listing, however, is that whilst Grades 2\* and 1 convey enhanced significance, a Grade 2 listing is, nonetheless, intended to mark a building of nationally important significance.

27. The 20th Century Society said this, of the works proposed to the east end and chancel, in its letter of 14th October 2014:

*With regards to the architectural significance of the chancel, the vast central un-moulded arch gives way to the double height space behind which is top lit with natural light by high level windows not visible from the nave. This relationship between light and space, along with the sheer, windowless, canted east wall provides a dramatic and impressive architectural focal point for the church. The side chapel at the end of the south aisle, with two rows of small leaded lights in the east end wall has a more subdued character, providing interesting glimpses of the window from across the nave and gallery. Elaine Harwood, an architectural historian with English Heritage and expert in ecclesiastical architecture has confirmed to us that Pace's chancel and south aisle works, are particularly interesting as these alterations represent a very early example of Pace's restoration work. All of the architect's other listed work is from later in his career...*

*By cutting short the existing chancel as proposed, the dramatic architectural 'show piece' of this grade II listed church would be lost. In our view this would cause substantial harm to the character of the building, and that this harm is not justified by the proposals for storage and meeting rooms that may in turn require new window openings in the east wall and loss of historic fabric. The chancel is clearly an important intervention by a very well respected twentieth century architect, and we would urge the church to explore other options that would not be so harmful to the interior. We also consider that the side chapel adds an important dimension to the appreciation of light and space to the character of the church, and recommend that the proposals to block off this part of the south aisle are re-considered.*

Historic England said this of the same proposal in its letter of November 2016:

*The chancel is arguably the visual highlight of the interior of the church. Whether viewed head on or at an angle, the chancel is a striking architectural feature, created through the interplay of depth, light and shade as well as the unusual blind east wall...*

*...[the purpose of listed buildings] is not to preserve the buildings in aspic...it is...intended to provide protection for such buildings... In order that they can be passed on to future generations to use, enjoy and learn from...we therefore consider the proposed works to the chancel would cause serious harm to the significance of the listed building*

And, in its letter of 21st December 2017, this:

*Having assessed the proposed floor plans we consider that, once the new staircases and circulation space are accounted for, the insertion of additional floors within the chancel area is not an efficient use of space, and this reduces the benefit that can be attributed to the proposals given the harm they would cause.*

*If it is proven that the additional storage and meeting room space is critical and there is nowhere else to locate this space within the church hall, we consider there could be a means of incorporating these uses in the north east and south east corners of the church building. This would then leave the existing chancel space at its full height and depth, avoiding physical alteration to the arches and the need to create new windows in the east wall.*

*The application documents refer frequently to the need for the building to be adaptable and flexible, and cite the way in which the building has grown and adapted in response to changing forms of worship. This alternative proposal would achieve these aims. Inserting floors, staircases and partition walls within the chancel would not create flexible spaces. If the chancel was left unaltered it could be used for a variety of purposes and could be temporarily screened off, as we understand is done at present.*

28. The Church Building Council said this of the chancel proposal in its response of 3rd January 2018:

*The Council still has strong reservations over the proposal to reorder the east end of the nave. Some recent consistory court judgements have commented on the need for a parish to prove the need for changes that will substantially impact on the character of a listed building. The infilling of the chancel is one such change that will significantly change the interior of the building and diminish its chief architectural feature. For the reasons set out in its earlier letter the Council is still not convinced by the case for this intervention. It also noted that in the fully worked plans the proposed new office and meeting spaces are not fully accessible, which would create ongoing issues with their use with office staff unable to use stairs being impractical. Additionally, for events scheduled for the upper level it would need to be known in advance that equal access was not required.*

*The Statement of needs indicates many uses for the new meeting room created at the east end but does not prove that the uses proposed for it could not be accommodated elsewhere, especially given the increased flexibility and comfort in the church that will result from the rest of the proposals going ahead.*

29. The Petitioners instructed Mary Clemence, of Frances Verity Perspectives, to draft both their Statement of Significance of August 2017 and their Heritage Statement of November 2017 (the latter prepared and submitted for the purpose of seeking planning permission for the external works).

In both documents, the extent of the significance of the listed church building is called into question.

The Statement of Significance sets out Ms Clemence's research as to the history of the development of the church, as set out in its listing, and calls into question the opinions of the historical amenity societies. She says this in the Statement of Significance:

*In the process of serial alteration and despite Pace's first intentions to the contrary, the church lost a good many of the architectural features that defined its original character and appearance...*

*Furthermore, partly in consequence of combining the work of different architects around a historic core, the interior has suffered a similar fate and, as a result, the exterior and interior of the church are not an amalgam of styles...*

*Some striking individual features, such as the lofty chancel, have a predominantly Modernist character...but sit rather uneasily with the remnants of the simple Gothic of Potter's church...*

*Thus, the present architectural composition and aesthetic presentation of the church, along with the theological message it conveys, are somewhat confused/uncertain.*

Ms Clemence goes on to evaluate the work of Ronald Sims in the church including the 'segmental arches, skeleton columns and stair turrets', as being of moderate value for paying only limited regard to the surviving elements of the Potter design or to Pace's interventions.

As to fixtures and fittings, Ms Clemence estimates their significance as low to moderate, except for the "Pace items" or the "Sims items" echoing the past, which she assesses as being of moderately high value.

In her conclusions to the Statement of Significance, Ms Clemence says:

*This assessment has found that, overall, Christ Church and its associated land and building constitute a heritage asset of moderate heritage value. The proposed scheme of adaptation, alteration and extension of the existing buildings and churchyard is far less invasive than similar work undertaken in the C20. It will have little impact on historic fabric or other items of heritage significance. The legibility of past phases of work will be maintained...*

*The present proposals are unlikely to diminish the overall value of the heritage significances of the site or its constituent parts to any unacceptable extent.*

The Heritage Statement of November 2017 comes to the same conclusions, albeit couched in the terms necessary for a planning application.

30. The 20th Century Society's reply to the Petitioners' submissions is jointly prepared by Clare Price, Head of Casework at the 20th Century Society, and by Elain Harwood, an author and specialist in twentieth century architecture, who is a member of the 20th Century Society.

The key points made by them in the submitted document of 20th September 2018 are as follows:

They properly remind the Court that the National Planning Policy Framework requires that substantial harm be permitted to listed buildings only in 'exceptional circumstances' and, further, that the Ecclesiastical Exemption depends upon the faculty system applying an equivalent stringency to that which is to be found in the secular system.

They set out their view that the proposals relating in particular to the Pace Sanctuary will cause serious and substantial harm, with reasons, saying:

*The most spiritually uplifting part of Pace's work is the high chancel, with its simple but very elegant pointed arches towards the nave and at the side, and this is the least altered part of his work, though adapted successfully to take a forward altar. This would be entirely lost in the damaging proposals for reordering. The chancel with its simple lines offers a lung of calm and an architectural balance. The mix of old and mid-C20 seating in the body of the church gives the clearest indication of the old and new work so important to the building's sense of ensemble.....*

*Pace's work at Fulwood was substantial. It included a new chancel, south aisle and west porch, with an altar, pendant lights, altar rails, font cover, an altar cross and vases, choir stalls, pews and a hanging cross. These survive, while the core of the building remained that of the 1830s, with a clear separation between new and old. What was not on Pace's agenda in the early 1950s, however, was the bringing of the congregation closer to a forward altar as he began to introduce at the end of the decade. That was left to Sims in his further extension of the church in 1979. This was a clever scheme, with the introduction of a second aisle, with a gallery that borrows light from the more open south aisle, and making clear views across the church possible by the novel use of skeleton columns.*

I pause to note that the skeleton columns are not put in jeopardy by the proposals. To the untrained eye, those columns constitute a stunning modern feature in this church.

Ms Price and Mr Harwood agree with Pevsner, that the listing of this church came about because of the works of George Pace, and argue powerfully that the justification advanced by the Petitioners for the permanent loss of this feature is inadequate.

They say:

*The Society entirely disagrees with the conclusions of the report with regard to the significance of the Pace work at Fulwood and the impact that the proposals will have. No adequate justification has been provided for proposals to alter the highly significant and most successful part of the Pace's design - the soaring and stunning chancel - to provide ancillary space.*

*The proposals are extremely damaging - destroying the most important part of Pace's work and making the history of this interesting palimpsest entirely unreadable. Far from being sympathetic, they have no sense of the spiritual in architecture, and the total loss of a major part of a building by an architect of national significance.*

31. The Petitioners replied to the submission of the 20th Century Society as follows:

- They argue that they have, themselves, undertaken a great deal of work addressing the stringent exercise of assessing significance, the impact of proposed changes and the weighing of public benefit.
- They set out yet further and particular disagreement with details of the 20th Century Society's account of the history and architectural significance of the chancel. This includes a disagreement over their use of the term 'palimpsest'.
- They say that significant changes have already been made to the high chancel. They suggest that the 20th Century Society has failed to take into account the merits of the design of their architect, particularly including the retention of the pointed arches.

They say:

*It (the submission) also fails to acknowledge that the proposed, curved curtain wall, behind the forward facing arches, has been deliberately designed to be set back from the arches and to retain a double height behind the forward facing arches in order to maintain, in the manner of an Anish Kapoor see-into sculpture, a sense of distance, of space beyond, of light from above (achieved by lighting) and of mystery; whilst at the same time making adaptations, which reflect the churchmanship (God in our midst and the priesthood of all believers) and the missional focus of the current congregation.*

32. This is an ambitious claim for the new design and it may be that the claim would be justified if the proposals were to stand alone and did not entail the disappearance of what was there before. I am, therefore, not surprised that the 20th Century Society has not referenced the new design in their contribution. I can well see that, from the 20th Century Society's perspective, the retention of the arches and the use of a curved curtain wall set back from the arches, together with the use of artificial lighting from an unknown source, is not a scheme of change to or development of the existing feature but rather its complete replacement, with only hints of what was there before. I do not consider that it is necessary or appropriate in this context to evaluate architectural merit and it may well be that the work of Jeremy Bell is, or will come to be, as highly regarded and as significant as that of George Pace. I do, however, consider it my duty, as Chancellor, to strive to measure the impact of the proposed design upon an existing, significant feature. In this case, whatever the architectural merits of the design, the impact of implementing it necessarily brings about the permanent disappearance of the listed feature except by way of shade or hint.

### **The application of the Duffield questions to the Phase II works**

#### **33. The works to the chancel and east end of the church**

Most of the preceding paragraphs of this judgment have been addressing the issues in respect of these works. I consider that the proposals to move the Pace cross and to install new lighting are inextricably linked to the proposed works to the chancel and east end and, for now, stand or fall with them. These paragraphs, therefore, apply to all of the chancel and east end works.

- (1) Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?



This Church was listed in 1973 and is, therefore, of national architectural and historic significance. It is likely that the listing came about because of the alterations made to the original Victorian church in the 1950s by George Pace, a prominent church architect. Those alterations were subsequently enhanced by complimentary designs of George Pace's one time colleague, Ronald Sims. The modernist Pace chancel at the east end of the church is considered to be the showpiece of his work at the church. The Petitioners' proposals entail the insertion of a curved curtain wall behind the three pointed arches of the east end of the church, which would shut off the existing chancel. Behind that curved wall, the space which now forms the chancel would be filled in and used, over three floors, as a meeting room, an office and storage space. The upper rooms would be accessed by a spiral staircase. I am quite satisfied that the proposed filling in of the chancel space would all but obliterate the key feature of this listed church and, thus, cause substantial harm to its significance historically and architecturally. This conclusion takes into account the Petitioners' submission that the retention of the three tall, pointed arches at the east end of the church, together with the appearance of the proposed curved curtain wall and enhanced by hidden electric lighting, retains enough of the features of the Pace design to undermine the contention that serious harm is caused by these works. Whatever the merits of the architectural design to replace the chancel, the fact that a design of replacement is required in and of itself shows that the original feature is to be dismantled. I am unpersuaded by the Petitioners' contention that the significance to be attributed to the church is less than is suggested by its listing and the expressed views of the historical amenity societies involved.

- (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.

The answer to question (1) is that substantial harm would be caused and, therefore, it is not necessary to undertake the exercise of considering whether the principle of leaving things as they stand is rebutted.

- (3) If the answer to question (1) is 'yes', how serious would the harm be?

I am quite satisfied that the harm would be both substantial and irreversible.

- (4) How clear and convincing is the justification for carrying out the proposals?

I acknowledge that the Petitioners are utterly convinced of the justification for carrying out these proposals. Their admirable and swiftly expanding mission and works are set before the court as evidence of an urgent need for more space for offices and meetings. In addition, their interpretation of the churchmanship behind Pace's chancel and their firm rejection of such churchmanship are also relied upon as a justification for their plans.

During the preparations for this petition, the Petitioners have been asked to reconsider their plans and to devise other options to provide the three additional rooms their proposals would create. They have not done so. However, I am not persuaded and indeed, they have not sought to persuade me, that there are no viable alternative schemes. The need to enable the unification of the busy hub of activity at the church centre with wider and fuller use of the spaces in the church itself is powerfully established. The need for additional office and meeting space is vehemently argued.

However, the evidence before me does not establish that the present proposal is the only way of achieving these proper objectives.

The Petitioners attribute a doctrinal/liturgical significance to the Pace chancel which is not universally accepted. However, if they are correct in their interpretation of the intention behind the present design, they are not obliged to use the space in a way that they depreciate spiritually.

I therefore join the voices suggesting a re-think of the design with regard to the chancel and east end of the church. I would go further and indicate that an alternative design, which retains the existing architectural features of the area in question but changes the way the area is used may well, in the context of this exercise, be more likely to succeed as a proposal when submitted to me for consideration.

- (5) Bearing in mind that there is a strong presumption against proposals which will adversely affect the special character of a listing building, will any resulting public benefit (including matters such as liturgical freedom, pastoral mission, 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.

I am quite satisfied that the strong presumption of this question has not been rebutted. The harm to the special character of the building is not outweighed by the benefit likely to derive from the proposed works. I think it likely that alternative plans could deliver the opportunities for mission desired by the church leaders and congregation and for putting the church to viable uses consistent with its role as a place of worship and mission. I do not accept that the Petitioners' liturgical freedom is engaged by a refusal of their application for these works.

#### **34. The construction of a link building joining the church building and church centre with associated drainage**

- (1) Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?

This proposal will change the appearance and space of the churchyard. I have previously given and explained my permission for the creation of a courtyard milling area within the churchyard, which entailed the removal and flattening of a number of memorial stones. This present judgment should be read in conjunction with that earlier one. The proposed link building is the next stage in the process. It will stand adjacent to the courtyard and will join the church centre and the church. The essential nature of the churchyard will not be lost, but the space it occupies will be reduced. Therefore, some limited harm would be caused.

- (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.

The answer to (1) was that there would be harm caused.

(3) If the answer to question (1) is 'yes', how serious would the harm be?

The harm would be limited; large areas of the churchyard would remain undisturbed as I set out in the Phase I judgment concerning the creation of a courtyard milling area.

(4) How clear and convincing is the justification for carrying out the proposals?

The need for the church centre and church building to be joined physically is well made out. A physical joinder by means of a sympathetically designed link will enable the church building to become as much a part of a vibrant hub of activity and mission as the church centre. The two parts of the site have an obvious need to become one to make the most of the space available and to enable the church building to become vibrant and active alongside the church centre during the week as well as on Sundays.

(5) Bearing in mind that there is a strong presumption against proposals which will adversely affect the special character of a listing building, will any resulting public benefit (including matters such as liturgical freedom, pastoral mission, 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?

The limited harm to be caused to the aesthetic and significance of the churchyard is outweighed significantly by the resulting benefit to the church community and to the public generally.

### 35. Replacing pews with chairs

(1) Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?

I have described the appearance of the seating in the church as it is at present. The mixture of different colours, styles and ages detracts from the appearance of the interior. The pews and the chairs do not have an intrinsic value. In all the circumstances I do not consider that their removal and replacement with wooden chairs in accordance with Church Care guidance would cause harm to the building's architectural or historical significance.

(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.

The answer to (1) was that there would be no harm caused.

(3) If the answer to question (1) is 'yes', how serious would the harm be?

The answer to (1) is 'no'.

(4) How clear and convincing is the justification for carrying out the proposals?

There is a clear justification, under the re-ordering plans, for the seating in the church to be aesthetically coherent and available to be used flexibly.

- (5) Bearing in mind that there is a strong presumption against proposals which will adversely affect the special character of a listing building, will any resulting public benefit (including matters such as liturgical freedom, pastoral mission, 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?

This question does not arise in respect of these works.

**36. The font to be moved to the traditional west entrance position and the pulpit to be returned to its original position**

- (1) Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?

Having considered the submissions of the Victorian Society, I consider that, in each case, the proposed move is to a 'position of honour' in accordance with its firm request and, therefore, this change does not harm 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.

The answer to (1) was that there would be no harm caused.

- (3) If the answer to question (1) is 'yes', how serious would the harm be?

The answer to (1) is 'no'.

- (4) How clear and convincing is the justification for carrying out the proposals?

There is a clear justification, under the re-ordering plans, for these features to be moved, as part of the overall plan for re-ordering, to enable the church to be brought into use to accommodate week-day activities and for the church's internal space to be used more flexibly during worship.

- (5) Bearing in mind that there is a strong presumption against proposals which will adversely affect the special character of a listing building, will any resulting public benefit (including matters such as liturgical freedom, pastoral mission, 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?

This question does not arise in respect of these works.

**37. The disposal of communion rails**

- (1) Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?

The communion rails were a minor element of the re-ordering of the past, with little relevance to the present worship of the congregation. Their removal would cause limited harm in this context.

- (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.

The answer to (1) was that there would be limited harm caused.

- (3) If the answer to question (1) is 'yes', how serious would the harm be?

The answer to (1) was that there would be limited harm caused.

- (4) How clear and convincing is the justification for carrying out the proposals?

There is a clear justification, under the re-ordering plans, for these features to be removed, as part of the overall plan to enable the church to be brought into use to accommodate week-day activities and for the internal space to be used more flexibly during worship.

- (5) Bearing in mind that there is a strong presumption against proposals which will adversely affect the special character of a listing building, will any resulting public benefit (including matters such as liturgical freedom, pastoral mission, 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?

The adverse impact in this instance is minimal and justified.

### **38. New heating system, with under-floor heating, and new floor finishes**

- (1) Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?

These proposals do not harm 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.

The answer to (1) was that there would be no harm caused.

- (3) If the answer to question (1) is 'yes', how serious would the harm be?

The answer to (1) was that there would be no harm caused.

- (4) How clear and convincing is the justification for carrying out the proposals?

The renewal of the heating system during these major works is entirely justified.

- (5) Bearing in mind that there is a strong presumption against proposals which will adversely affect the special character of a listing building, will any resulting public benefit (including matters such as liturgical freedom, pastoral mission, 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?

There is no operating presumption against this proposal, which is completely justified subject to the proviso that the advice of the DAC heating engineering and flooring specialist should be sought and implemented in connection with this aspect of the permitted works.

**39. The installation of a raised dais from north to south, incorporating an access ramp**

- (1) Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?

These proposals do not harm the church as a building of special architectural or historic interest and, furthermore, are necessary to provide access for people with disability and to comply with legislation as such access.

- (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.

The answer to (1) was that there would be no harm caused.

- (3) If the answer to question (1) is 'yes', how serious would the harm be?

The answer to (1) was that there would be no harm caused.

- (4) How clear and convincing is the justification for carrying out the proposals?

This proposal is entirely justified.

- (5) Bearing in mind that there is a strong presumption against proposals which will adversely affect the special character of a listing building, will any resulting public benefit (including matters such as liturgical freedom, pastoral mission, 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?

There is no operating presumption against this proposal.

**40. Installation of a new lighting scheme and audio-visual equipment to be upgraded to modern standards**

These works are, I think, inextricably linked to the plans for the chancel and east end of the church and to the removal of the Pace light fittings. At present, I do not propose to authorise the removal of the Pace light fittings but, rather, to permit a re-submission of this aspect of the works to the DAC for advice, with a renewed plan for lighting to

reflect the permissions given and withheld in this judgment and the accompanying directions.

**41. Re-ordering works (apart from those in respect of the chancel and east end of the church) to include:**

- Insertion of additional glazing
- Blinds in south aisle windows
- Multi-fold partition below north gallery
- Alteration to vestry north-east corner
- Servery in south-west corner
- Reorientation of stair case in north-west
- Removal of some walls in west end

(1) Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?

These proposals cause some harm to the building in this context.

(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.

The answer to (1) was that there would be some harm caused.

(3) If the answer to question (1) is 'yes', how serious would the harm be?

The harm of the re-ordering proposals, other than those impacting the chancel and east end, is limited. There would be change to some of the existing features of the church but they are not key features of architectural or historic significance.

(4) How clear and convincing is the justification for carrying out the proposals?

Each of these proposals is supported by the DAC and are part of an approved scheme of re-ordering to enable the church building to be brought into use to accommodate week-day activities and for the internal space to be used more flexibly during worship. The re-ordering of the west end of the church, to enable free and safe access via the link building between the church and the church centre and to enable the installation of a servery and toilet facilities, are strongly justified by the over-arching need for a unification of the church and church centre.

Works to improve the impact of glare and the installation of blinds to existing windows are fully justified and are part of the overall scheme of re-ordering that this judgment authorises.

(5) Bearing in mind that there is a strong presumption against proposals which will adversely affect the special character of a listing building, will any resulting public benefit (including matters such as liturgical freedom, pastoral mission, 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?

Any presumption against this proposal is rebutted by virtue of my conclusions that the features to be changed or lost are not features which support or add to the church's distinctive character as a listed building and that the changes are wholly necessary for the approved and justified scheme of re-ordering.

#### **42. The relocation of war memorials to improve readability**

The DAC support this proposal and I agree. The memorials should be located, in the words of the Victorian Society concerning the pulpit and font, in a 'location of honour', where the names of those who gave their lives in war can be clearly read.

#### **43. The installation of roof ventilation**

Further details of this proposal need to be scrutinised by the DAC.

#### **44. In conclusion**

Those parts of the Phase II proposals, other than those affecting the chancel and east end of the church can be positively endorsed, in that the relatively small harm likely to be caused is adequately justified. I therefore give permission for the following works to be carried out:

- i) The construction of a link building joining the church building and church centre, with associated drainage
- ii) The replacing of pews with chairs in accordance with Church Care guidance.
- iii) The font to be moved to its traditional west entrance position;
- iv) The pulpit to be returned to its original position.
- v) The disposal of communion rails
- vi) The installation of a new heating system with under-floor heating and new floor finishes
- vii) The insertion of additional glazing
- viii) The installation of blinds in the south aisle windows
- ix) The installation of a multi-fold partition below the north gallery
- x) The alteration to the vestry north-east corner
- xi) The installation of a servery in the south-west corner
- xii) The re-orientation of the staircase in the north-west corner
- xiii) The removal of some walls in the west end of the church and
- xiv) The relocation of war memorials

However, I do not consider that the proposal to dismantle and 'in fill' the Pace chancel can be justified. I therefore refuse permission for the Phase II works proposed in relation to the chancel and east end of the church.

#### **45. The organ**

At the time of my judgment in respect of Phase I of the re-ordering project, which included the proposed removal of the church's existing pipe organ, active discussions were taking place between the Petitioners and the parish of St John the Baptist, Edlington (another church in the Diocese), as to the possibility of transferring the organ to that church. This would have been a very preferable outcome for this instrument. Although it is not used or valued by the church leaders and congregation at Christ Church, it is, nonetheless, a church treasure, with particular connection to the Diocese



both by reason of being built here and because of its connection with Dr Linstead, a prominent Sheffield musician.

Most unfortunately, after careful investigation by Father Edmonds, the incumbent of St John the Baptist, Edlington, the Parochial Church Council of that parish decided not to pursue the transfer by reason of the likely costs of transfer (upwards of £75,000), the size of the organ (which would have necessitated relatively extensive re-ordering of their church) and the necessary timing. Since that time, the only interested parties for the organ have been from abroad i.e. in Poland, Malta, Italy and the Netherlands. The Petitioners have helpfully supplied me with a detailed report of another English organ being transferred to Poland, with the object in mind (I believe) of showing me that such a transfer is possible.

A removal and transfer abroad is a disappointing outcome in this case, although less disappointing than the organ having to be dismantled and stored. I have deliberately tarried in respect of this part of the case in the hope that another solution would be found which fulfilled the conditions I originally set for the removal of the organ. Unfortunately, that has not happened and, for the reasons I set out in my first judgment in respect of the Phase I re-ordering works, I am now obliged to lift those conditions and permit the removal of the organ without them. In so deciding, I have balanced the importance of conserving and retaining precious items in a church against the need for a holistic re-ordering of the same church, which is prevented by the continued presence of the organ.

The Petition for Phase II includes an application to install a new electric organ, to be located at the present vestry door. This petition is made after proper consultation with the DAC about the replacement instrument and is supported by the DAC. I am satisfied that the new instrument is suitable and necessary.

I therefore confirm that the conditions I imposed in Faculty 5703 in relation to the disposal of the existing pipe organ are to be disregarded and that a new electric organ may be installed as proposed.

**Sarah L Singleton QC**  
**Chancellor of the Diocese of Sheffield**  
**26<sup>th</sup> November 2018**

### **Postscript**

46. The permitted works are set out broadly in the petition and documents; as they are carried out the details may require further consideration in respect of conservation and faculty issues as they arise. I do not intend that the DAC should formally supervise the works permitted but rather that the Petitioners should take advantage of the expertise of the DAC in addressing issues of detail as they arise in accordance with general practice as I have experienced it in the Diocese hitherto. I intend there to be liberty to apply for more detailed directions as to implementation of the order I have made, should that be necessary.
47. My intention so far as the East End and Chancel proposals which I have not permitted is to encourage the Petitioners to continue to work with the DAC and the relevant historical amenity bodies to work up an alternative proposal to meet the Parish's need

for change and the lawful observation of good conservation. That alternative proposal would need to be the subject of a fresh petition.

48. The Diocesan Registry have justifiably undertaken many more hours of work in respect of this matter than they would ordinarily. The Registrar has undertaken some 8 hours work in respect of this matter himself and his assistant Dr Greig has undertaken some 14 hours and 42 minutes in particular in respect of the preparation of the core documentary bundle. I consider that these hours are properly chargeable under whatever arrangements are in force between this Parish and the Diocese.

**Sarah L Singleton QC**  
**Chancellor of the Diocese of Sheffield**  
**14<sup>th</sup> December 2018**