Neutral citation: [2019] ECC She 1 30 April 2019

DIOCESE OF SHEFFIELD
In the Consistory Court
Sarah V Spear
Deputy Chancellor

In the Matter of Christ Church Heeley
Reordering of nave with new heating, lighting and windows

Judgment

1. By a petition dated 27th February 2019 the incumbent and churchwardens of Christ Church in the parish of Heeley seek a faculty to permit extensive works of re-ordering, to include the removal and disposal of the nave pews, the removal of a balcony structure, the disposal of an electric valve organ, the levelling of the floors by removing the pew platforms, the relocation of the pulpit, the construction of a ramp to the dais, the introduction of a new boiler and underfloor heating system, a new lighting system and a new audio-visual system, the replacement of fibreglass windows with clear glass leaded windows, the provision of a crèche area and a storage area, alterations to the 'font doors', new flooring, chairs and tables and complete redecoration. The PCC currently has £100,000 available for the project and is seeking a further £190,000 through grants and fundraising.

2. Christ Church is a Grade II listed building dating from 1846 built by Joseph Mitchell in the gothic revival style, with additions in the 1890s and a significant reordering in the 1980s to add a small hall and kitchen at the rear and a mezzanine level with two meeting rooms. There was further modernisation in 2015. Pevsner describes the building as 'a large and well-proportioned cruciform church with the tower unusually over the north transept rather than the crossing'. Ambitious flowing tracery and decorative corbels are noted interior features, together with an octagonal font and oak pulpit, the latter dating from 1890.

3. The parish of Heeley is situated some two miles south of the city centre of Sheffield. The Statement of Need gives the population of the parish today as around nine thousand people with a good deal of diversity in both ethnicity and wealth. The church is used on a regular basis by a large number of groups, including preschool groups, children's and youth groups, parents' groups, a weekly café, Rainbows, Brownies and Guides. The Heeley Festival and holiday clubs use the church building. A Nepalese community and the Ethiopian Orthodox Tewahedo Church use the building weekly for their own services of worship and other activities. The Sheffield Indian Tamil Fellowship also worships at Christ Church regularly. The church's website gives details of several services on a Sunday and numerous activities including the Alpha Course. There is on the website a clear statement of faith and purpose and it is of note that a children's and families worker is currently being

sought. Church numbers, however, are described in the Statement of Need as 'falling' and the surrounding community as 'disconnected' from the parish church.

4. A scheme of extensive modernisation and reordering is therefore proposed to provide a church building which is more suitable for Christ Church's present-day mission. The principal element of the scheme is the removal of the pine pews and their platforms in order to allow the space in the nave to be used for a multiplicity of purposes, including different styles of worship. The Victorian pulpit is a prominent feature but is no longer in use and restricts visibility between the congregation and the dais. It is proposed to reposition it close to its historical position prior to earlier re-orderings. The petitioners seek to remove the small wall to the front of the dais to further open up the area, and to install a ramp for disabled access. The 1980s gallery is to be removed to enhance the interior of the building, particularly the glazed west wall, and a small new crèche room is to be created following the line of the storeroom added in 2015, predominantly using glazing. Storage for the Ethiopian congregation is to be incorporated into the vestry. The petitioners seek to carpet the majority of the interior with tiles suitable for heavy commercial use. Ceramic tiles are proposed for the font area and oak-effect planking at the west end of the nave near the kitchen area. A new boiler and heating system will be introduced, together with a lighting scheme and a new audio-visual system. It is proposed that modern upholstered chairs replace the pew seating.

5. The Diocesan Advisory Committee recommends the proposals for approval by the Court. Since the proposed work is likely to affect the character of the church as a building of special architectural or historic interest. Historic England, the local planning authority, the Victorian Society and the Church Buildings Council have been consulted.

6. Historic England in a letter dated 11th March 2019 states that it does not object to the application. Emma Sharpe, Inspector of Historic Buildings and Areas writes 'the element of the proposals which will have the biggest visual impact on the interior of the church is the removal of the pews. In terms of material and design they are a good illustration of standard nineteenth-century pew but lack the quality and craftsmanship seen in the best church furniture. We therefore consider that a case could be made for the removal of the pews to facilitate the parish's desire for more flexibility in worship style and greater use of the space by the wider community.'

7. An email from Dr David Knight of the Church Buildings Council dated 6th March 2019 states that 'the proposals appear to be an improvement to the current situation and will not result in harm to the historic fabric...the Council will defer this case to the DAC'.

8. The local planning authority is content that the faculty process will provide the necessary consultations and protection of the building. Further planning permission is not required.

9. The Victorian Society's Northern Buildings Committee has considered the scheme and has helpfully set out in detail its concerns in an email of 12th March 2019 from Mr

James Hughes, Senior Conservation Adviser. The incumbent in turn has (also helpfully) set out the petitioners' response to those concerns in some detail in an email of 19th March. The Victorian Society was invited by letter from the Deputy Diocesan Registrar dated 3rd April 2019 to consider becoming a party objector to the proceedings. No response was received within twenty-one days as requested, and I therefore assume that the Society is content that I deal with the petition on paper by taking their comments into consideration.

10. Whilst the Society welcomes the replacement of the fibreglass windows with leaded, glazed windows and the removal of the gallery, Mr Hughes states that the application is 'too broad in its scope and needlessly destructive in the interventions it proposes'. His principal objections are to the removal of the historic bench seating and to the covering of the floor. Mr Hughes states that the pews 'contribute to the interior's nineteenth century character and appearance' and help to 'define the layout and spatial qualities of the interior.' He goes on to state 'we cannot therefore accept the wholesale removal of the bench seating and suggest that a critical mass of pews is preserved in the main body of the nave'. He further objects to the proposed chairs as 'amongst the least appropriate commercially available chairs that could be envisaged for this space.' Timber-framed un-upholstered chairs are suggested in the alternative. As regards the treatment of the floor, Mr Hughes suggests that it should be preserved and left uncovered. He is of the view that carpeting the main body of the church is wholly at odds with the character and quality of the building and that the use of other flooring materials would lead to a 'patchwork effect'.

11. The incumbent in response contends that it is the structure of arches, columns and the timber roof which defines the interior of Christ Church as a cohesive whole rather than the pews. He states that the removal of the pews, levelling and carpeting of the floors is key to the proposed scheme and 'vital to the mission and future of the church'. Once modern chairs are introduced, it is submitted that there is little to be gained architecturally by choosing one style over another.

12. In deciding whether or not to grant this petition I must consider the questions set out in the Court of the Arches decision in Duffield, St Alkmund [2013] Fam 158 (the 'Duffield' questions). This is well-established as the framework within which the Court must make decisions pertaining to alterations to listed buildings. The tests to be applied are set out principally in paragraph 87. The first question is this:

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

    In respect of the majority of the proposed works in this petition, I have no hesitation in answering that question in the negative. Indeed, it is clear that the removal of the balcony and the replacement of the fibreglass windows would in all probability enhance the significance of Christ Church as a building of special architectural and historic interest. The removal of the organ, construction of a ramp, creation of creche and storage areas, alterations to the 'font doors' and the introduction of new heating, lighting and audio-visual systems will have only a minor impact upon the appearance of the building. The pulpit is simply to be moved to a position very close

to where it stood prior to earlier renovations. Likewise the removal of the low wall (seemingly an early twentieth century addition) will have little effect upon the character or appearance of the interior as a whole.

The removal of the pews is of a different order. In my judgment the pews contribute, along with the arches, columns and roof timbers to the significance of Christ Church's historic and architectural interest as a nineteenth century church building. Their removal would result in some harm to that significance in that the interior of building would unquestionably have a very different appearance without them.

I must therefore go on to assess how serious that harm would be, and how clear and convincing the justification for carrying out this aspect of the proposed works is. There are many authorities involving petitions to remove historic bench seating to which I have had regard. A number of recent cases, like the present case, concern objections by the Victorian Society or other amenity societies to the removal of pews and/or to their replacement by modern upholstered chairs (notably *Re All Saints Barrowby [2018] ECC Lin 3, Re Holy Trinity Hastings [2019] ECC Chi 1, Re All Saints Higher Walton [2017] ECC Bla 9* and *Re All Saints Sanderstead [2018] ECC Swk* 4).

Two cases in particular consider the Church Buildings Council's 'Guidance Note on Seating' (*Re Holy Trinity Long Itchington [2016] ECC Cov7* and *Re St Mary Magdalene, Ashton upon Mersey [2016] ECC Chr 1*) with differing conclusions. These were in turn considered in *Re All Saints West Burnley [2017] ECC Bla 6.* The Church Buildings Council's Guidance Note, adopted enthusiastically by the Victorian Society, suggests that generally un-upholstered furniture should be introduced into our listed buildings. That is precisely the suggestion of the Society in the present matter. Chancellor Bullimore in *Re All Saints West Burnley*, however, concludes that the Guidance Note is just that- it cannot automatically 'trump' the views and wishes of the petitioners. In every case a parish's proposals have to be evaluated.

Each building is of course unique in its setting and circumstances. So too are the people who use it. In my judgment the harm in removing the pews in this case would be in taking out a large quantity of interior furniture which is in keeping with the period of the building's construction. Together the building and its interior fittings are creations of the nineteenth century. Removing the bench seating largely severs that link between building and fittings. It is of note, however, that the pews themselves are not particularly significant in their craftsmanship or decoration. I do not therefore conclude that the harm would be really serious. It would be moderate.

I turn then to the justification for the removal of the pews and their replacement with upholstered chairs. The petitioners have put together a clear, compelling and well-prepared case. I have no difficulty in concluding that the proposed works as a whole are entirely justified and will be of great benefit to this church and the community it serves in pursuing its mission in a modern and relevant manner. Christ Church is clear in its faith and purpose. The petitioners have obviously put a great deal of thought into the needs of their congregations and community and into how the church can be at the heart of meeting those needs and relevant to those it

serves both now and in the future. Furthermore, they have in mind the financial viability of the building. The proposed scheme will facilitate the use of the space by numerous existing groups and will enable it to be used (in some cases for a fee) by others. It will produce a space which is beautiful, functional and inviting, which will greatly assist Christ Church as it seeks to reconnect with the local community.

The upholstered chairs chosen by the petitioners are well-suited to use for conferences and in the café area. The benefit to be gained from comfortable seating in my judgment outweighs any small aesthetic advantage that might come from introducing un-upholstered wooden furniture. Whilst I have considered this counter-proposal by the Victorian Society, it is of course for the Court to consider whether a convincing case has been made for permitting what is actually proposed rather than to consider alternatives put forward by amenity societies or any other objector (*Re All Saints Odiham [2016] ECC Win 1*).

I am further satisfied, bearing in mind the strong presumption against proposals which will adversely affect the special character of a listed building, that the resulting public benefit will greatly outweigh the harm caused to the significance of Christ Church as a whole by the removal of the pews in particular. The levelling of the floors and installation of new flooring as proposed once the pews have been removed, would not in my judgment result in harm to the significance of the church as a building of special architectural or historic interest. The proposed floor coverings are appropriate for the many uses to which the remodelled space will be put and are in any event removeable.

13. A faculty will therefore be granted in respect of the proposed scheme in its entirety.

14. I am asked to consider whether an Order for additional fees under item 18, table 1, section 4 of the Ecclesiastical Judges, Legal Officers and Others (Fees) Order 2018 would be appropriate in the light of the time incurred in the Registry in preparing the papers in this case. A file note enclosed with my papers indicates that that preparation took some five hours and twenty-five minutes, and that would seem entirely reasonable. Accordingly I make an Order for additional fees in respect of that work.

S V Spear
Deputy Chancellor of the Diocese of Sheffield
30th April 2019