

In the consistory court of the Diocese of Winchester

In the Parish of: North Stoneham and Bassett

Re: North Stoneham St Nicholas

JUDGMENT

1. St Nicholas, North Stoneham is a grade II* listed church dating back perhaps to the 13th century. It sits in what has hitherto been a rural location on the outskirts of Southampton. Development plans mean that a new residential estate of some 1200 houses is to be built adjacent to the church. In order for the church building to play its part in admirable plans for mission to this new community, the PCC wish to renovate and modernise it.
2. A faculty is now sought for the first phase of these works of renovation and modernisation. The works currently proposed are as follows:

Works of repair to ensure the building remains watertight including:

- Roof repairs
- External masonry repairs
- Internal plaster repairs

Works of improvement including:

- Provision of loft insulation
- Removal of redundant gas heaters.
- Provision of lavatories
- Provision of new foul drainage connection
- Provision of new stepped approach to the north porch
- Decoration of church walls and ceilings
- The removal of all pews except the rear most two of the Bodley pews to allow the provision of chairs
- The provision of carpet in the nave only.

3. None of these proposals is controversial except for the last two. There is no suggestion that they would harm the significance of the church, and I find that they would not. They are abundantly justified in the circumstances. I am content to grant a faculty for those matters. I consider the final two elements in more details below.

4. Removal of various other fixtures and fittings is also proposed, namely:
- 40 wicker chairs
 - The main altar and three of the four frontals for that altar
 - The frontal chest
 - The altar kneeling rails of 1960s design
 - A statue of the Virgin Mary
 - The following loose items:
 - o One pair of silver plated candlesticks 570mm high, one broken, stored in Vestry
 - o One brass bell 90mm x 60mm
 - o One pair of acolytes' candles, wood pole with brass fittings, 1150mm high, with 4 bases
 - o One crucifix, wood, 1180mm x 560mm
 - o One wood chest of drawers
 - o Two wood tables, each with two drawers
 - o One hymn book stand
 - o One large notice board with metal frame
 - o 135 leather covered kneelers, in blue or red
 - o 23 blue embroidered kneelers
5. In each case permission is sought to dispose of the items by sale if possible to assist with funding the other works. It seems to me that none of these items is of any particular significance from the perspective of the listed building, and nor are they church treasures; the altar frontals proposed for removal are not by Bodley¹. There is no reason to insist that these items are retained if (as it appears) they will not be used in future. I am content to grant a faculty in each case and to permit the sale of the items in question.
6. The more controversial aspect of the proposal relates to the removal of pews and their replacement with a carpeted area in the nave and stackable chairs. Historic England expresses "grave reservations" about the removal of all but two of the Bodley pews,² and suggests the retention and relocation of the Bodley pews to the north aisle as a less harmful alternative.³ Others are more ambivalent about the removal of the pews,⁴ but a common strand is a critique of the chairs chosen by the petitioners to replace the pews. Consultees/objectors are united in seeking the use of high quality wooden chairs rather than the metal framed chairs with fabric backs and seats. There is a similar resistance to the use of carpet in the nave, at least on a permanent basis.
7. None of the parties with reservations about the scheme (Historic England, Church Buildings Council, Ancient Monuments Society, Victorian Society) have opted to become parties opponent, instead requesting that their written comments be taken into

¹ As may seem to be implied by the Ancient Monuments Society's consultation response dated 3 March 2019.

² Letter 28 February 2019.

³ Letters 12 June 2019 and 8 July 2019.

⁴ Ancient Monuments Society, letter 3 March 2019 finds them "standard and unexceptional" and does not object to removal; Victorian Society, letter 4 June 2019 has no objection to the "substantial de-pewing proposed".

account. I have therefore directed that this matter will be decided on the basis of the written representations, without conducting a hearing. I visited the church on 31 July 2019 with the Registrar and was shown around by Revd Sheena Williams, Mr David Curtis and Revd Jono Harvey. I am very grateful to all of them for taking the time to do so. Representatives of the objectors were invited but chose not to attend. I did not take any further evidence or submissions on the site visit.

8. In this context I must consider the controversial elements of the proposals in detail. I do so against the framework of the *Duffield* questions.⁵

What is the special architectural and/or historic interest of the listed church?

9. In answering this question, I have been assisted by the clear and helpful statement of significance prepared by the Petitioners. It seems to me that the church has a threefold interest. First, is the building itself (in terms of its structural elements) which is of considerable age and beauty. Second, is the collection of memorials and ledger stones contained within the church. These are unusual in their variety and historic and visual interest. Third, is the restoration and reordering work done by Bodley in the final years of the nineteenth century. The influence of this phase is visible in the ceilings and surviving furniture (pulpit, pews, font canopy, and Canterbury chairs).
10. It does seem to me that the remains of the Bodley phase contribute less to the interest of the church than the other two aspects. It is not a particularly complete or significant example of his work; large amounts of it have been removed already. The pews themselves are not particularly interesting or attractive. That said, I do find that Bodley's work is complementary to the earlier phases. It adds to rather than detracting from the architectural interest of the church as a whole. The overall effect is historically rich and visually attractive, which is clearly reflected in the grade II* listing.

Would the proposals result in harm to the significance of the church, and if so how serious would it be?

11. The Petitioners acknowledge that there would be "a level of harm" and I agree. The removal of further significant elements of the Bodley scheme would be harmful particularly to the significance of the church in terms of its historic interest. However, that harm would be limited given that the pulpit, font canopy, Canterbury chairs and the wood ceiling will remain. The retention of two Bodley pews, albeit somewhat out of context, will also mitigate the level of harm.

⁵ *In re Alkmund, Duffield* [2013] Fam 158, as further explained in *In re John the Baptist, Peshurst* (2015)

12. The removal of the pews has the potential to damage the significance of the church in terms of its architectural (in particular, aesthetic) interest. The extent of this harm is to some extent contingent on what is put back in their place. I agree with the Victorian Society's observation that "the present seating, while compromised as an ensemble and artistically modest, is nonetheless good quality joinery of historic and [of] some aesthetic interest". It follows, as they point out, that the replacement should complement "the special interest of the historic building, of which it will become part and in the appreciation of which it will play a major role."⁶
13. I am also inclined to agree with the Victorian Society and other consultees/objectors that the carpet and chair combination proposed would not do that. They have a utilitarian character and an appearance that is quite alien to a space of the historic and architectural significance of St Nicholas.
14. Overall, I find that the controversial aspects of these proposals would cause a moderate level of harm to the significance of the church.⁷

How clear and convincing is the justification and does it outweigh the harm?

15. Early consultation responses were very critical of the justification proposed in the original statement of need, which was said to be plainly inadequate.⁸ The document now before me has, I understand, been revised and expanded in the light of those comments. It proposes the following justification for the removal of the pews and their replacement with chairs and carpet:
 - a. The current congregation find the Bodley pews "narrow and uncomfortable";
 - b. There is a desire to establish a new worshipping community. It is "currently anticipated that worship will take the form of a family-style service with contemporary music";
 - c. The removal of the pews will "move the space away from being a building designed for education where people participate mainly by listening, towards a space that encourages interaction and participation through sharing";
 - d. It is hoped that the church will be used for events including "film nights, concerts, community meetings and social events". This requires that the space is fully flexible. The stackable chairs proposed can therefore be removed to storage;
 - e. However, it is not envisaged that all the chairs will in fact be removed to storage. In response to questions from me about the amount of storage space available (there is space for 150 chairs and 120 are proposed at this stage) the Petitioners confirmed that: "we do not ever anticipate removing all 150 chairs from the main body of the church at any one time. For worship and

⁶ Letter 4 June 2019.

⁷ To be clear, I consider that the other elements would have a neutral or very slightly positive effect such that this is also my overall assessment of the effect of the proposals considered as a whole.

⁸ Historic England, letter 28 February 2019; Church Buildings Council, letter 29 March 2019.

community activities we will need chairs. Some of them might be moved or temporarily stacked and removed to make floor space for example a toddler group or Messy Church type event, but even in the future when we may have more than 150 chairs, we can't imagine an occasion for which we will remove every chair from the church. We anticipate that having chairs rather than pews will allow us to use the seating in different configurations rather than remove all seating at once." Examples of occasions when it might be desirable to rearrange the seating are for worship in small groups, in Holy Week or for baptisms;

- f. The carpet in the nave will allow children and adults to sit on the floor when this is suitable – toddler groups and pre-school worship are mentioned in this connection. The carpet is however a temporary solution and it is envisaged that it will be replaced by new flooring in phase 2;
- g. The upholstered, metal framed chairs have been chosen because they are comfortable, light weight and significantly cheaper than a wooden equivalent. The price of £50 per chair (or £6,000 in total for 120 chairs) has been cited for the chosen chair compared to £125 per chair (or £15,000 in total) for a wooden equivalent. In the PCC minutes approving the application the metal/fabric chair is recorded as the 'first choice' of the PCC, "but if this was not supported by the DAC then our second choice was the wooden chair". The Petitioners add that their choice of chair will add 'aesthetic warmth' and make the building attractive to those who would not normally use it.

16. I will say at the outset that I do not find the justification given for the metal upholstered chairs particularly convincing (point g). This is an aspect of the scheme which, it seems to me, would make the proposals noticeably more harmful to the significance of the listed building. Wooden chairs can be perfectly satisfactory in terms of weight and comfort. Views may differ as to the aesthetics of the metal upholstered chair proposed but I think it is fair to say that it is not a thing of beauty. I appreciate the need to use resources wisely, but in the context of a £700,000 project (which is expected to receive £200,000 of funding from housing developers plus other grant funding) I do not see much significance in the cost differential cited in respect of the chairs.

17. Furthermore, if the cost of this part of the proposals is an issue then the introduction of the new seating could be phased until there is sufficient money available. There is a large amount of seating in the church at the moment, much of which is more or less moveable. There is no urgency in its wholesale replacement. It would be better to delay the provision of all new seating so that something of commensurate quality to the Bodley pews can be provided as a legacy for future users of this very beautiful church building.

18. The justification for the carpet is also weak insofar as it is suggested as a permanent measure. It would cover up ledger stones and would represent a lost opportunity to

better display this aspect of the church's significance. A carpet also seems somewhat inappropriate in a medieval building with a strong resonance of the Victorian gothic revival. If there is a need to sit on the floor on particular occasions then a rug or mat can be deployed as it is in many churches with hard floors. That said, however, it seems to me that a carpet is amply justified as a temporary measure until some more satisfactory hard flooring solution can be implemented, and I am willing to permit it on that basis. I will want some convincing that anything other than infill of the existing floor with stone is appropriate when it comes to Phase 2 of the works.

19. Turning to the (logically prior) question of the removal of the Bodley pews, I give very little weight to the fact that they are said to be uncomfortable. That was not my experience, albeit that I only sat on one for a short while. More to the point, they have served for over a hundred years and the current perception that they are uncomfortable is clearly not enough to justify their removal from a Grade II* listed building.
20. The main justification for removal of the pews (i.e. points b to e), on the other hand, is clearly articulated. St Nicholas is facing a period of transition; the petitioners are attempting to make the building ready to provide for the needs of the new community which is being created on its doorstep. Thus it will remain in effectual use for worship and mission. This in turn is the best guarantee of its long-term future as a heritage asset. The exact nature of the uses to be made of the church necessarily remains somewhat speculative, but there is a clear need (particularly in the absence of a church hall) for flexible space.
21. I have considered very carefully whether some less harmful step could provide what the petitioners need. Historic England suggests relocating pews to the north aisle; I agree with the petitioners that this would "look out of place" and have "no liturgical focus... except the side of the organ".⁹ A more meaningful alternative would be to retain the block of Bodley pews in the nave. I was initially attracted by this as a compromise solution, as it would allow for flexible use of the surrounding area whilst preserving the most important contribution of the Bodley pews. However, having visited the church it seems to me that this would leave insufficient 'flexible' space to meet the needs articulated by the Petitioners. It is not a large building.
22. I can therefore see a clear and convincing justification for removal of all the existing seating, including the Bodley pews. If they are replaced with appropriate wooden chairs and if the nave is not permanently carpeted, the overall harm to the significance of the building will be less than the 'moderate' level of harm I identified above. I find that the justification provided clearly outweighs the residual harm.

⁹ Petitioners' response to objections, letter 20 June 2019.

23. I will leave the approval of the new chairs to be done by condition. In my judgment, the least harmful option from the point of view of the listed building would be to see a timber framed chair, such as the 'Theo' chair, installed in place of the pews. However, if there are clear reasons why this is not possible, I will be prepared to permit the use of the metal framed timber chairs selected by the PCC as its 'second choice'. I will invite comments from the DAC and objectors on the ultimate choice of chair, including on the colour and whether use of it will be compatible with the protection of the historic ledger stones.

Matthew Cain Ormondroyd
Chancellor of the Diocese of Winchester

13th August 2019