

In the Consistory Court of the Diocese of Derby

In the Matter of Brimington, St Michael and All Angels (Grade II), and

In the Matter of a Petition dated 7th June 2018 presented by Rev'd Daniel B Cooke, Rector, and Mr Peter Deeming and Mrs Christine Ann Hill, Churchwardens

JUDGMENT

- 1) **Proposals:** This is a petition seeking permission for two main areas of work affecting the interior of the building. The first relates to a new heating system, the replacement of the boiler, fan convector heaters and panel radiators with new items, together with underfloor heating in certain areas. The other proposed area of work is the removal of the remaining pews and pew platforms from the nave and aisles, and the introduction of chairs. The petitioners also wish to demolish a disused stone chimney stack associated with an old heating system, that protrudes through the vestry roof; they obtained planning permission from the Chesterfield Borough Council for the demolition, which is dated 12th November 2018. There is an informative report from a planning officer within the papers.
- 2) **Architects:** The application is being dealt with on the parish's behalf by Messrs Smith and Roper, who are well known architects in the area, experienced in work on historic church buildings. The project cost, is around £110,000 in round terms, including VAT. This will be funded from a substantial grant by Viridor, and from the church's available resources.
- 3) Apart from the documents originally submitted, the Rector has clarified a number of issues at my request in a letter of 3rd September 2019, for which I am grateful.
- 4) **The church:** Brimington lies within the borough of Chesterfield in the north-east of the county and diocese. It had a late-medieval church that was replaced in 1796. The building now consists of the west tower of that date, but heightened somewhat when the remainder of the church was rebuilt in 1847 by Joseph Mitchell of Sheffield. The chancel was refurbished in 1891 by Naylor and Sale of Derby but these changes have now disappeared. The building is constructed of gritstone with slate roofs. There is a 5-bay nave with aisles, with clerestory windows, a lower and quite narrow chancel, a south entrance porch, and to the north-east, a vestry. The building stands within the Brimington Conservation Area, and within the churchyard that contains a number of trees.
- 5) The nave has 'simple benches with moulded square-headed ends and choir stalls with pierced quatrefoil in the backs' according to the listing statement. However the rear portion of the pews, west of the flagged cross-aisle from the porch and interior lobby, and the choir stalls, were removed in 2007, and chairs introduced in these two areas; these are shown on some of the photographs. The pew platforms at the west were replaced by pine boarding at that time. The overall layout of the interior as it is now, appears on a plan prepared by Smith and Roper and indicates that the remaining seating covers perhaps one third of the original area. There is a central aisle and walkways down north and south walls. These are stone-flagged. The remaining pews extend from the second of the four pillars to just beyond the third, (moving from west to east), the fixed seating to the west having been removed, as I have indicated, and the original choir stalls (now also removed) being to the east up against the chancel arch. A number of other interior features are noted in the listing statement, including a particularly fine First World War memorial in white marble, the work of Charles Sergeant Jagger.
- 6) In summary, it appears to be a spacious building of good proportions, well-designed and proportioned. When listed in 1997 it was said to have retained a unity of design, and was a good example of the relatively plain architectural style popular before the ecclesiological revival of the mid-19th Century. The removal of some of the pews in the re-ordering of 2007, whatever the benefits of that, must have already altered that assessment to a degree. The church stands with a number of other listed buildings that afford a distinctive local identity, with a number of open spaces. The vestry is described as 'lean to', but there seems no evidence it was added to the north side of the chancel, as an 'extra' at some later date. The chimney appears to be

supported by a rusty steel beam within the vestry roof space. It is not part of the current heating system and I do not know when the structure was first introduced. Its loss will have no discernible effect on the appearance of the exterior, according to the **Statement**. That seems to me to be correct.

- 7) **Statement of Needs:** some of the relevant material appears in the other Statement, and the Rector's letter of 3rd September clarifies some aspects. The heating is essentially an upgrade of a system that is about 40 years old. However if permission is given to remove the pews and the platforms on which they stand, the opportunity will be taken to introduce underfloor heating within those areas, which are said to be furthest from the convector heaters. The chairs brought in around 2007 are of a conventional rather heavy type, and upholstered. Apart from those in the choir stall area, they are located to the rear of the pews. They are said to be more popular on Sunday mornings. The building would be capable of more flexible use if all the fixed seating were to be removed, and a number of organisations have made approaches about future use of the building if it could be made more suitable for their particular needs.
- 8) They pews are described as being of pitch pine with low, upright (though not vertical) backs and narrow seats, and they are said to be uncomfortable if occupied for lengthy periods for people of this day and age. They have flush panelled backs, and minimal moulding on the top of the pew ends. There are traditional brass umbrella holders with cast iron pots. In my view they must date from the 1846 re-building. An Addendum to the Schedule of Works has a large number of further photographs. On some pews the bookshelves have split, possibly as people have used them as support on getting into a pew. There is some evidence of earlier repairs, and also woodworm infestation in places. They are said not to have substantial visual quality. They are not in a good state overall, having given around 175 years service.
- 9) **The Statement of Significance** was revised in April 2018. I have summarised the main content above.
- 10) The church is predominantly used for worship on Sunday and Thursday mornings, and other occasional offices. Baptisms occur around twice a month. A Sunday school takes place in the choir vestry in the base of the tower. There is a desire to increase Messy Church activities within the church building itself because of numbers outgrowing space in the small church hall. The congregation is evangelical in churchmanship.
- 11) **Parochial Church Council:** the proposals were approved by the PCC at its meeting on 19th September 2018. The minute sets out the areas of work as they appear on the petition (in somewhat greater detail than in my initial summary above), and refers to a number of drawings sent to me, and schedules of work prepared by the architects. The voting was 7 in favour with no votes against or abstentions from those present. There are 12 members of the PCC, and I assume those who were not at the meeting were well aware of the proposals from earlier discussions.
- 12) **Diocesan Advisory Committee:** I have seen a good deal of correspondence passing between those involved in working up the scheme and also from the DAC and their architects, with the church architects and others. The DAC formally considered the application on 23rd July 2018, when it was Recommended for approval with only the style of chairs reserved for future agreement by that body. (That has now happened). The DAC however considered this was a case for publication of the proposals on the diocesan website, and were also of the view that the proposed changes were likely to affect the character of the church as a building of special architectural or historic interest. It recommended consultation with Historic England, the Victorian Society and the local authority
- 13) I am of the view the effect of the changes that concerned the DAC must relate only to the issues around the seating. The heating work is really an updating of a scheme that is now several decades old, and the most significant feature of the proposals is the re-location of the new boilers (two smaller ones) into the vestry.
- 14) **Historic England** did not feel it necessary for them to engage with these specific approvals, and the **Victorian Society** did not reply to the consultation. The local authority took a more involved approach
- 15) The **Public Notices** were displayed from 26th July to 25th August 2018 and sparked no adverse comments, and **Notification of the Petition** on the Diocesan website in October also had no responses.

- 16) I have to assess the proposals against the '**Duffield Questions**', named after the decision of the Court of Arches arising from a decision within the diocese, relating to Duffield St Alkmund, reported at [2013] Fam 158. This is the standard by which all re-ordering petitions are assessed. The various questions are well known (and are set out in full in many decisions), and I do not propose to repeat that exercise, although I have them well in mind.
- 17) **Heating:** there is a good schedule setting out the proposed improvements dated June 2018, prepared by the architects, together with other explanatory material. As I have indicated, this all seems to me to be up-grading of a tired and worn-out system. It presents no issues in relation to the appearance or significance of the building, and I approve it.
- 18) **Seating:** I have to assess the proposals both in regard to what will be removed, and what is to be introduced. There is no doubt removal of the historic pews will affect the interior look of the building. The pews are the most highly visible interior feature for any visitor. The removal will cause an effect which I assess will be on the lower side of moderate on the appearance and significance of the interior. The effect is mitigated in my view by the changes effected in 2007, whereby chairs in open spaces have already been introduced.
- 19) Mr Cooke stresses the disadvantages of the pews in his recent communication. They are in poor condition overall. I consider that to be fair, although they might well stagger on for another few years. They are small by current standards and uncomfortable. I accept that. They are also inflexible - inevitably - although my sense is that not every congregation makes great use of the new flexibility that chairs are said to afford. However greater use by other groups than the worshipping congregation would result in that aspect coming more to the fore. I appreciate such approaches are at an early stage, but it is encouraging that they seem to have come from would-be users, rather than the church going out to look for people who might want to use the new facilities. I can well see that having members of the congregation gravitate to the more comfortable existing upholstered chairs behind the blocks of pews (in stereo-typical Anglican fashion) will not assist a sense of unity in the worshipping congregation. The pews are not of major historic significance, and are described as 'very worn' by Professor Spencer after her visit - see below for her advice about replacement seating.
- 20) I pay little attention to the mismatch between chairs as existing and the remaining pews. The earlier re-ordering was doubtless put forward for good reason by the church leadership 12 years ago, probably in an effort to provide more space after services for people to mix and have coffee, and so on. They cannot complain about one of the down-sides of that now. It is proposed that the heavier existing chairs would be brought to the new 'front' of the seating area, and any new stackable seating would be deployed behind that, and I can see the advantages in that. Any new seating will be flexible in principle and it is not necessary for me to dictate where any particular sorts of chair are to be located. That would be entirely counter-productive. Again, although the pews may be more awkward to get into than chairs, and there may have been the occasional trip or stumble on the pew platforms, these are relatively minor matters. Overall, in my view the ethos of this worshipping congregation and its needs will be better served by modern, flexible seating, that will also allow wider use of the building by other groups and organisations.
- 21) I have noted the 'harm' caused by removal, but I am satisfied that is significantly outweighed by the advantages to the worshipping congregation, and to the wider community in its various groups and organisations. Any wider use of the building will hopefully increase the income of the PCC, who, like all but a few other churches, will always have to work hard to meet their diocesan share and the repair and running costs of the church building, and the various enterprises the congregation want to undertake. I am satisfied that I ought to approve this aspect of the petition.
- 22) I have considered whether one or two examples of the seating should be retained, but am not persuaded. The cost of 'repurposing' a pew has been estimated at around £650 by a local joiner, and I do not consider that would be a good use of limited resources. However I will make it a condition of my approval that a comprehensive set of photographs of the present seating arrangements must be produced, one set to be retained in the church records, and another by the Registry or DAC.
- 23) It is intended to acquire around 100 of the well-known and much used Alpha design of chair, plus their stands, hopefully to be funded by sale of any pews that are in good enough condition and sponsorship by members of the congregation, and others. This design has been chosen

after consultation with Professor Janet Spencer who often advises on such issues on behalf of the DAC. She is widely experienced and previously chaired the DAC I strongly endorse Professor Spencer's advice to obtain a choice of colour for the wooden parts of the chair from the manufacturer, to emulate the sort of colour that the pews presently afford.

- 24) Chimney:** there is no good reason to retain the chimney, which is non-functional. Plainly once it is removed, the vestry roof will need to be made good. Mr Cooke has considered the suggestion made by the local authority's historic building officer, Mr Scott Nicholas, that efforts should be made to see if the matching stonework can be used in some other way to enhance the church. He has been unable to come up with such a 'project' and also points out that the cost would be an extra problem for the church as it faces the costs of this scheme.
- 25)** The Bishop has given her permission for the congregation to worship in the church hall while the work is undertaken.
- 26) Conclusion:** I am satisfied that these proposals are either necessary or advisable for the good of this church. They petitioners may have up to 18 months to carry them through, and may apply for Further Directions if necessary, by letter or email to the Registry.

John W. Bullimore
Chancellor
8th October 2019