

Neutral Citation Number: [2019] ECC Lei 3

IN THE CONSISTORY COURT OF THE DIOCESE OF LEICESTER

CHANCELLOR BLACKETT-ORD

IN THE MATTER of MELTON MOWBRAY, ST MARY'S

**AND IN THE MATTER A FACULTY FOR RETROSPECTIVE APPROVAL of the works
undertaken in 2017 for cleaning the Royal Coat of Arms**

14 May 2019

The Feast of St Mathias, the Apostle

JUDGMENT

1. I have before me on the OFS a Petition for the retrospective approval for works undertaken cleaning the Royal Coat of Arms.
2. St Mary's Melton Mowbray is a successful church which has been refurbished to a high standard in recent years and entirely (so I am aware) with full faculty permission.
3. It is also a magnificent church of great architectural unity although constructed over a number of centuries. Professor Nikolaus Pevsner described it as
"The stateliest and most impressive of all churches in Leicestershire..."
4. High above the chancel arch (and it is a high chancel arch) hangs the Royal Coat of Arms with which this faculty is concerned.
5. It is a large, lively work of art, oil paint on oak boards, clearly seventeenth century. But it became very dirty and its right-hand side streaked by what turned out to be the deposits of visiting birds that had nested behind it.
6. The archives of the Church revealed that in 1951 the Royal Coat of Arms was taken down and sent to the College of Arms for restoration. It was found to have a previous date of 1634, and "Embedded in the woodwork were shot holes and it was assumed that it had been used for musketry target practice during the Civil War".
7. In 2017 the PCC, with sponsorship from Helen and Graham Bett, commissioned its examination and conservation.
8. Unfortunately, of course, it was difficult to examine from the ground, even with binoculars. As a consequence the chosen conservator, Alexandra Carrington, at her initial visit in June 2017, concluded that until access was made available with either a scissor lift or a full scaffold, it was impossible to ascertain quite what was needed to be done. But she

estimated that her own costs of conservation, if she was chosen, would require a budget of between £3,200 and £5,000. She was not VAT registered.

9. I do not criticise Alexandra Carrington, but she herself does not describe herself as a painting conservator as such, but as a “decorative stone & plaster conservator”.
10. Regrettably no thought was given to the need for a faculty for the proposed work, or consultation with the DAC, or whether it was entirely advisable that the advice of what needed to be done should have blended into the work being done in the way that it was.
11. Alexandra Carrington, with the benefit of the scaffolding and working platform, discovered what she had feared, which was that “the general appearance is dirty and dull with some areas being difficult to read. Previous restoration may have included an applied varnish over the surface which has now either broken down and yellowed over time, or may simply be dirty...Some areas were very muddled and details obscured from previous restorations and subsequent paint layers. The physical appearance of the oak boards is splattered with bullet holes and is rumoured that the board was taken down during the Civil War and used as target practice?”.
12. I have to say that the references to Cromwellian musketry may reflect a general lack of careful consideration to the history of this very interesting object. The bullet-marks are plain enough from the photographs that she helpfully took. They are even apparent in the lettering of the date “82”. But
 - (a) it is plainly impossible for Cromwellians to have been shooting at a board that was painted in 1682; and
 - (b) the bullet-holes are mere pellet-holes and none is the size of a hole that would have been made by a musket ball.
13. My own guess is that the holes are in the form that would have been left by bird shot fired by an enthusiastic sextant at the birds which we know were in the habit of making use of the top of the board for non-liturgical purposes.
14. There is a record of the arms having been set up “at the charge of the town and parish” in April 1611. As has been mentioned also, there is on it a “previous date of 1634”, which is visible rather oddly between the “CR” and “82”. The strong inference must be that what we see is a board older than 1682, and perhaps as old as 1611. The Royal Arms used in the reign of Charles I (acceded 1625) and his son Charles II (died 1685) were the same.
15. Between the C and R in the middle of the top of the board is a tiny little “D” and little “2” below it. The “2” might have been added when the date 1682 was given to the board, to indicate that the King Charles in question was King Charles II. But what the small “D” might mean I do not know.
16. It is unfortunate that the opportunity was not taken for a specialist examination of the board before the present works were embarked upon. Such an examination might have answered these questions, and given consideration to whether the board should on the one hand be repainted, or on the other hand conserved but in its present rather tatty appearance.
17. Alexandra Carrington embarked upon a course which ran between the two. She cleaned the paint, removed and replaced old varnish, in a manner which I have no doubt was orthodox, but also embarked upon some repainting with acrylic paint (water-based). Her report includes this:
18. “After cleaning the revealed paint layers look fresher and brighter but also help us to rectify any sections of composition which are confusing and need clarification which can be achieved by retouching specific areas...”

19. "Several areas of retouching were required especially on the lower sections of the painting where some details had become muddled with previous restorations. Several other areas became relevant where paint was completely missing and back to bare wood...These areas were worked on by isolating the background with a layer of B72 followed by the application of acrylic medium to match the rest of the painting. It was not possible in this instant to carry out any of the retouching with oil paint due to the drying time and time constraints on the scaffolding and the need to re-apply a varnish to the surface".
20. Alexandra Carrington commenced and finished her work in 2017. In March 2019, for some reason, the PCC appreciated that faculty permission ought to have been obtained, and this Petition was promptly presented.
21. I cannot criticise Alexandra Carrington in the slightest for what she did. The board is back in its proper place and to view it closely is impossible. But I criticise the PCC for failing to have a proper investigation of this very interesting board before any works were done to it, and for failing to give clear instructions to Alexandra Carrington as to what she was meant to be doing.
22. The probable result will be that parts of the old paint will have been concealed by the new acrylic paint, and the acrylic paint is itself likely to age in a manner different from the oil paint, and in due course have to be removed.
23. That is not the end of the world. I do not suggest that any serious damage has been done.
24. The PCC has given me no explanation why the DAC was not consulted before the works were commenced, which would have led to a greater level of expertise being involved at the stage of examination of the board.
25. What is to be done? I have power to order the PCC to pay the costs incurred by their failure to apply for a faculty before carrying out the works or the costs incurred by the DAC in supervising any remedial works but I will not go so far.
26. Accordingly, with some hesitation, I grant the Petition as sought.

Mark Blackett-Ord

Chancellor

14 May 2019

