

[2020] ECC Gui 3

IN THE CONSISTORY COURT OF THE DIOCESE OF GUILDFORD

Date: 29 September 2020

IN THE PARISH OF GUILDFORD ST NICOLAS THE CHURCH OF ST. NICOLAS

In the matter of the petition for a faculty to obtain retrospective permission for the replacement of a modern octagonal entrance vestibule by extending the front entrance and providing information panels about the Loseley Chapel; incorporating the former outside gravel area and south wall of the Chapel into an internal, informal meeting space; expanding the current kitchen area and the installation of underfloor heating throughout the new entrance and reception areas together with reglazing and the renewal of the heating and ventilation system.

Judgment

1. I have set out in some detail the scope of the works that I understand are now the subject of the current petition. I have done so because I wish to ensure that this petition covers the scope of the works which had not already been included in the petition I earlier granted on 19 July 2016 relating to works involving the restoration of the Loseley Chapel. I would like the petitioners to check that the two petitions cover the entirety of the works they seek the Court to sanction.
2. When I saw the papers in June 2020, I was provided with two of the DAC's Notifications of Advice, dated 13 June 2017 and 20 January 2020 respectively. The notification of 20 January 2020 described itself as being issued on 13 June 2017 'and reissued 20 January 2020'. In each, the Committee recommended a process of consultation involving Historic England, the local planning authority, the Victorian Society and the CBC. I had not then been provided with documents which demonstrated that the 20 January 2020 Notification of Advice had been followed up by documents from the organisations mentioned to the effect that they had no objections to the proposals.
3. I had therefore thought that, notwithstanding the fact that this was a petition to obtain retrospective permission for the works, there was still a process of consultation that needed to be carried through.

4. Having had sight of correspondence from the DAC, I am satisfied that it was not its intention to require further consultation. Indeed, I have been provided with the material results of the consultation that had previously been pursued with all of the relevant bodies. In each case, the consultees had previously indicated their consent to the current proposals (or lack of objection), limited as they are to the modifications to the porch area.
5. On 22 June 2017, the CBC had written to the architect that the proposals containing the enlarging of an extension to the Grade II* listed church involved an increase in the footprint which they considered to be minimal; that the new works were relatively discreet and replaced a modern addition to the church which had proved unsatisfactory in design and functionality. For those reasons, the CBC was content to defer to the DAC's consideration of the proposals. Like me, it was provided with a Statement of Significance and a Statement of Needs which predated the restoration of the Loseley Chapel thereby confusing the scope of the works the subject of the current petition.
6. On 30 May 2017, in relation to the proposals for the extension at the church, the Victorian Society had indicated that it had no comment to make on the proposals.
7. On 5 June 2017, Historic England, which had provided pre-application advice on the scheme, described as an extension to the hall and community centre, were satisfied that the current scheme achieved an appropriate balance between meeting the needs of the congregation and conserving the significance of the ancient parts of the church. It, therefore, supported the application on heritage grounds and asked the local authority to take their recommendations into account in determining the application for planning consent.
8. In due course planning consent was given.
9. Frustratingly, in response to an email from the architect asking the SPAB for its views on the proposals and asking it to let him know if the caseworker had any concerns, the SPAB acknowledged receipt of the application for consultation but did not further respond. If it had objected, I am satisfied that it would have made its views known to the petitioners. I note that it was not a consultee nominated in either of the Notifications of Advice issued by the DAC.
10. In these circumstances, I am satisfied that there is no need for further consultation, notwithstanding the DAC's notification of Advice dated 20 January 2020.

11. It is unfortunate in the case of a building of this nature that the petitioners are now having to seek a retrospective application to sanction the works. This church has a long history of using the faculty jurisdiction and is aware of how the civil system of planning consent exists alongside the ecclesiastical faculty jurisdiction. The latter system operates in order to facilitate the Church in the balance it has to strike between preserving historic assets on the one hand and permitting necessary change notwithstanding its impact upon the historic fabric. The system is in jeopardy if churches fail to seek consent to the proposed works well before they are initiated.
12. I grant retrospective permission. Let the faculty issue.

ANDREW JORDAN
CHANCELLOR