

Neutral Citation Number: [2021] ECC Bla 5



Faculty – Grade II listed Victorian town church – Installation of two matching etched-glass memorial screens and doors in the north and south archways at the east end of the nave and a new projector and glass projector screen – PCC fully supportive of proposal – DAC recommending proposal – Objection from the Victorian Society to the glass projector screen but not becoming a party opponent – Faculty granted

Application Ref: 2020-055642

**IN THE CONSISTORY COURT OF
THE DIOCESE OF BLACKBURN**

Date: Sunday, 10 October 2021

Before:

THE WORSHIPFUL DAVID HODGE QC, CHANCELLOR

In the matter of:

HOLY TRINITY, POULTON-LE-SANDS

**THE PETITION OF THE REVEREND CHRISTOPHER KRAWIEC (Rector),
AUDREY WOODHOUSE and CAROL BENNETT (Churchwardens)**

Determined on the papers and without a hearing

The following cases are referred to in the Judgment:

Re All Saints, Hesketh with Becconsall [2020] ECC Bla 1

Re St Alkmund, Duffield [2013] Fam 158

Re St John the Baptist, Penshurst (2015) 17 Ecc LJ 393

Re St Peter & St Paul, Aston Rowant [2019] ECC Oxf 3, (2020) 22 Ecc LJ 265

Re St Peter, Shipton Bellinger [2016] Fam 193

JUDGMENT

Introduction and background

1. This is an online faculty petition, dated 5 May 2021, by the rector and the churchwardens of this Grade II listed early Victorian church, designed by Edmund Sharpe in 1841, with a later chancel added in 1897 by Austin & Paley, for the installation of: (1) two matching etched-glass memorial screens (designed by Sarah Galloway) and doors in the north and south archways at the east end of the nave, to be financed by a generous legacy from twin sisters; and (2) a new projector and glass projector screen. These proposals have the full support of the PCC.

2. The church has been left legacy funding by twin sisters, May and June, who were active members of the congregation. The church wish to use this legacy to finance a suitable memorial for them whilst improving the church for present and future church users. May led the church's flower team and June was an active member of the choir so the parish have decided that the design of May's window (in the south archway) should be based around floral imagery whilst that of June's (in the north archway) should be based around music. Representatives of the church and the PCC have been involved in the designs, which has been through a process of evolution and careful consideration. The north arch (choir entrance) window will represent a celebration of music and choirs using two hymns selected by the choir: 'All creatures of our God and King' and 'Angel-voices ever singing'. Neither window directly references either sister. It is said that these two memorial screens will encourage and enhance worship and prayer within the church and make the building more comfortable for users. The screen within the south arch will help to block draughts from the main door, whilst the screen within the north arch will help to ensure the symmetry of the east end of the church building. Together they will create a matching pair of memorials for the twin sisters.

3. The existing projector screen is out-dated. Since it only unrolls slowly, it needs to be lowered into place before, and raised at the end of, each service to avoid interrupting the service by retracting the screen each time it is in use. Whilst it is down, the projector screen blocks the view of the east window from the nave. The proposed glass projector screen will allow this view to be retained, when it is not in use, for the majority of the service. This glass projector screen will also be more aesthetically pleasing and create a cohesive look to the east end of the church.

The church building

4. The church of Holy Trinity, Poulton-le-Sands is located on the fringes of Morecambe town centre, in the Poulton ward of the town. The church is in a less densely developed area, with a well-sized churchyard to the south, west and north sides, and it is situated within the Morecambe Conservation Area. The church was listed on 6 April 1979. The listing particulars read:

Church. 1841 by Edmund Sharpe, with south aisle added 1866. Squared coursed sandstone with green slate roof. Comprises a west tower, nave, south aisle, and lower chancel. On the north side is a transept, with a lower vestry in the angle with the chancel. In the angle between the main church and the chancel on the south side is a short gabled projection and a lean-to porch. The tower is of 3 storeys with clasping buttresses and corner pinnacles and has a pointed west doorway. Above are 3 narrow lancets. There are clock faces on the west and south sides. The bell openings are triple stepped lancets, with the parapets

rising in a triangle above. The north wall of the nave is of 6 bays separated by buttresses and has paired lancets. The south wall is of 7 bays separated by buttresses and has windows of 2 pointed lights with foiled circles over, with the parapet rising as a coping to form a gable over each window. The east window is of 5 lancet lights with the tall central light flanked by foiled circles. The interior has exposed bolted queen post trusses ceiled at collar level, the south wall-plate carried on a 7-bay arcade of slender timber octagonal columns with caps and bases and with curved braces rising to the plate. The west gallery has a panelled front and an organ which appears to have a C20 casing with re-set Royal arms. The chancel, which may be of a later date than the nave, has a pointed sandstone arch flanked by narrower arches, and an open timber roof with collars and arch-braced tie beams.

5. The entry for the church in the 2009 edition of the volume of *‘The Buildings of England’* for *‘Lancashire: North’* by Clare Hartwell and Nikolaus Pevsner reads as follows:

Holy Trinity, Church Street. The parish church was built in 1745 as a chapel of ease of St Mary, Lancaster. Rebuilt 1840-1 by Edmund Sharpe. Paired lancets along the side, W tower with quite an original handling of the stepped lancet bell-openings, and of the parapet which has gables at the mid-points and slender pinnacles at the corners. S aisle added in 1866, rather French-looking, with a row of seven Dec windows each with its own gable rising above the parapet. Could Paley have been responsible? It has a motif from his secular buildings. The chancel was added in 1897 by Austin & Paley. Lancets and a plate-traceried E window. Nave Roof with queenposts. Slender octagonal cast iron columns to the N aisle, W gallery with the arms of Queen Victoria. The chancel is a much more solid affair, with a sturdy timber roof. Narrow entrance vestibule, S side, large arch to an organ chamber, N side. LADY CHAPEL, SE, created in 1966, with a simple and effective Westmorland Slate ALTAR cantilevered out from the E Wall - STAINED GLASS. Good chancel scheme by Shrigley & Hunt – S entrance vestibule. Angels on a blue ground, also by Shrigley & Hunt. – N aisle, including windows by Abbott & Co., c 1921 and by Loyne Ecclesiastical Studios, c 1939. – N aisle W end, St James, beautifully done by Shrigley & Hunt, c. 1915. – S aisle, St Cecilia by Abbott & Co., c.1938. - MONUMENTS. In the vestry a tablet from the predecessor church commemorates its donor, Francis Bowes. - N aisle, Thomas Butler + 1840, by Fawcett of Lancaster. - S aisle, striking South African War Memorial, c. 1904. Copper and brass repousse work, with Celtic-style Art Nouveau motifs, perhaps by the Keswick School of Industrial Art.

Original consultation responses

6. Historic England have been consulted but they had no comments to make. The local authority’s conservation officer has been consulted but he has not commented on the proposal. The Church Buildings Council have been consulted but they are content to defer to the Diocesan Advisory Committee.

7. The Victorian Society originally objected to both the proposed projector and the glass screen. In their original response (in November 2020) they commented:

Holy Trinity is a fine Victorian church that exhibits the work of a number of architects, notably in the chancel, which was restored by important architectural partnership Paley and Austin. It is a building of undoubted national significance.

In principle the Society is not opposed to the introduction of a single memorial screen and door, especially when there is the added justification that one would reduce draughts from the church porch. However, despite the rigorous process which has produced the designs, they would still have a substantial impact on the atmosphere, character, and spatial qualities of the church, posing as they would a major presence in

the nave. This is important in a church which, due to the sensitivity of previous alterations, retains much of its Victorian atmosphere, typified in the use of dark colours for the nave altar and altar rails. Also, the desire to fill both aisle arches either side of the chancel is puzzling when the door on the north side would serve no purpose other than to mirror that on the south, particularly as it would complicate the route from the vestry to the nave. In the Society's view this is far from sufficient justification for creating such a bold, and inevitably damaging, intervention. Although Gothic (and Gothic revival) architecture relies on proportion and balance, symmetry is not essential.

The Society must object to the proposed projector screen. Although the ugliness of the current screen housing is cited as justification for a replacement, and we commend the parish's intention to replace this, a large glass screen hanging from the chancel arch would do far more damage to the aesthetics of the interior. Glass is never invisible and would have a significant impact on the view from the nave towards Paley and Austin's chancel and the east window. This would be increased by the introduction of a projector suspended from the chancel ceiling which would directly impair the view of the east window and also damage the architectural integrity of the substantially unchanged chancel. It is disappointing to read that no other options have been explored, especially the simplest and most economical which would be to replace or paint the current screen housing the same colour as the beam to which it is attached.

8. The church's architects responded to these comments in the parish's Statement of Needs (dated December 2020) as follows:

(1) The memorial screen

Two screens have been proposed to form a considered memorial for the twin sisters. The proposal aims to create balance between the two screens and to preserve the symmetry of the east end of the church. The proposed screens are not symmetrical but they complement each other whilst providing memorials which reflect the personality of each twin and they will enhance worship within the church.

(2) The projector screen

It is believed that the glass projector screen will enhance the view towards the east window, particularly during services when the existing drop-down screen blocks the view of this window. It is now proposed to install the projector screen to the beam behind the chancel arch to minimise the impact of the proposal.

(3) The projector

The architects have reviewed the location of the projector. It is now proposed to wall-mount this to one side of the chancel so that it will not affect the view of the east window and will be hidden from the majority of the chancel.

The architects confirm that they have considered the Victorian Society's request to paint the existing projector screen but this screen was not considered to be a suitable long-term alternative whereas the glass screen which has been proposed will provide a considered approach to the projection system.

9. In their Statement of Significance (completed in December 2020) the church architects address the impact of the proposals as follows:

(1) The memorial screens: There will be an aesthetic change to the appearance of the affected area which they trust will be an enhancement.

(2) The glass projection screen: Currently the church uses a drop-down projector screen which is attached to a tie of the truss in the nave. This screen is unrolled prior to each service, when it is in use, and rolled back up following the service. During this time, the screen blocks the view of the east window. The proposed 'smart' glass projector screen will provide a clear surface which will allow views towards the east window. When switched on, the screen becomes opaque to provide a surface which is suitable for projection. This system can easily be turned on and off during services to allow this key view to be maintained for the majority of the service. The proposed screen is also intended to be a visual enhancement when compared to the existing white, bulky, drop-down screen.

In summary, the church architects consider that, if implemented, the proposals will have no detrimental impact on the church building; they will make the building more comfortable for all those who use the church; and they will enhance the view towards the significant east window.

10. The Victorian Society responded to these changes in an email dated 10 March 2021 in which they express their appreciation for the revisions made to the original documentation. The Society welcome the change to the position of the proposed projector which is now acceptable to the Society. They appreciate the expanded explanation of the design of the memorial screens. Whilst continuing to have some concerns, they recognise that two screens are key to the artistic conception of the memorial and they are therefore content to withdraw their objections to them.

11. The Society reiterate their acceptance of the need for a replacement projector screen; but they still entertain concerns about the proposed glass screen. They were disappointed to read in the Statement of Significance that this aspect of the proposals was still judged to have no detrimental impact upon the significance of the church in circumstances where a glass screen would have a permanent effect, damaging the historic and spatial character of the chancel. They accept that, when in use, a glass screen may be less intrusive than the existing opaque screen. However, when not in use, it would always be visible within the church and its reflections would be highly visible. This, coupled with the proposed memorial screens, would introduce a large amount of glazing into the chancel arch area, and would have a significant effect upon the church's Victorian character.

12. The Society appreciate the parish's consideration of their recommendations regarding the projector screen. However, there is no evidence that any consideration has been given to a replacement retractable screen that could be hidden behind the chancel arch or one of the roof beams. This would provide for the parish's needs whilst better preserving the church's historic character. Although the Society understand the reasons underlying the parish's preference for a glass screen, they must continue to object to this part of the proposal until the option of a concealed retractable screen has been considered.

The Diocesan Advisory Committee

13. The proposals have been recommended for approval by the DAC who advise that they are not likely to affect the character of the church as a building of special architectural or historic interest. The DAC's Notification of Advice records that objections have been raised by the Victorian Society to the proposed glass projector screen which have not been withdrawn; although the Notification does not set out the DAC's principal reasons for approving the proposals despite those objections.

Further consultation responses

14. There have been no objections to the proposals in response to the display of the usual public notices.

15. When I first reviewed the online application, I directed the Registrar to write to the parish asking whether they had considered the Victorian Society's alternative suggestion of a retractable screen and, if they had, what their reasons had been for rejecting it. Since the Victorian Society's objections had not been withdrawn, I also directed that they should be given special notice of the petition under Faculty Jurisdiction Rules (FJR) 9.3 and 9.5.

16. The parish responded by way of a letter dated 27 August 2021 from the church architects, reiterating and building upon the reasoning and considered thought process behind the proposed projector screen, in order to alleviate the concerns raised by the Victorian Society. The letter is accompanied by two photographic montages which have been created to compare a traditional retractable screen with the proposed glass screen in order to demonstrate the benefits of the system the parish have chosen. I have appended these two images to the end of this judgment. The letter also contains links (which I have followed) to two websites detailing examples of the proposed glass screen, and including reference to a screen installed at St. Andrew's Church, a Grade II-listed building in Leyland, Lancashire. (I have searched the online faculty system but have been unable to find any application relating to this installation.) According to the Pro Display website, when a charge is passed through the switchable glass projection screen, the display becomes transparent, allowing light to pass through it and offer unobstructed views to the stained-glass window behind. When the screen is required, the charge is switched off, making the screen opaque so that images can be projected onto it from the rear.

17. The material part of the letter from the church's architects reads as follows:

The church of Poulton-le-Sands, Holy Trinity, is a well-loved church within the heart of the community. Although the church is Victorian, there have been numerous alterations over recent years, particularly during the late 1990s, giving the building more eclectic feel and style.

For security reasons, the Church is unfortunately locked when not in use for worship or events and therefore visitors are unable to come and go freely. The church's style of worship relies heavily on communal worship, particularly through hymns and prayers. This means that the projection screen is used frequently during each service to display verses and lines along with videos and recordings from other congregations and parishes.

The church currently uses an outdated drop-down projection screen, which they initially planned to replace with a concealed retractable screen, however this would not alleviate all the issues of the old screen. Retracting and lowering a retractable screen is noisy and relatively slow, and as such would require any retractable screen being lowered prior to the service and raised afterwards to avoid disrupting services. This will result in the blocking of all views of Paley and Austin's Chancel and the East window at all times the church is open (either at services or events).

The PCC are aware of a number of churches within the Diocese which have successfully integrated a glass projection screen into their buildings and now seek to maximise the use of technology at their own Church. The smart glass screen proposed can be instantaneously activated, providing an opaque finish for projection. When not required this can be switched off, restoring a transparent finish and allowing the view into the chancel and then through to the east window to be enjoyed.

18. A copy of this response to their objection, together with the images referred to, accompanied the email from the Registry to the Victorian Society which invited them to send particulars of any objections (in Form 5) to the Registrar and to the petitioners should the Society wish to become a formal objector. By email dated 17 September 2021, the Society responded confirming that they did not wish to become a party to the proceedings, and were content for me simply to take their advice into account in reaching my judgment in this case. This I have done. Since there is no party opponent to this petition, and because the issues are clear from the papers, I am satisfied that it is expedient for me to determine this petition on the papers, having regard to the overriding objective in FJR 1.1.

The legal framework

19. Since the church of Holy Trinity, Poulton-le-Sands is a Grade II listed building, this faculty application fall to be determined by reference to the series of questions identified by the Court of Arches in the leading case of *Re St Alkmund, Duffield* [2013] Fam 158 at paragraph 87 (as affirmed and clarified by that Court's later decisions in the cases of *Re St John the Baptist, Penshurst* (2015) 17 Ecc LJ 393 at paragraph 22 and *Re St Peter, Shipton Bellinger* [2016] Fam 193 at paragraph 39) . These questions are:

- (1) Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?
- (2) If not, have the petitioners shown a sufficiently good reason for change to overcome the ordinary presumption that, in the absence of good reason, change should not be permitted?
- (3) If there would be harm to the significance of the church as a building of special architectural or historic interest, how serious would that harm be?
- (4) How clear and convincing is the justification for carrying out the proposals?
- (5) In the light of the strong presumption against proposals which will adversely affect the special character of a listed building, will any resulting public benefit (including matters such as liturgical freedom, pastoral well-being, opportunities for mission, and putting the church to viable uses that are consistent with its role as a place of worship and mission) outweigh the harm?

20. When considering the last of the *Duffield* questions, the court has to bear in mind that the more serious the harm, the greater the level of benefit that will be required before the proposed works can be permitted. This will particularly be the case if the harm is to a building which is listed Grade I or II*, where serious harm should only exceptionally be allowed. I recognise that these questions provide a structure and not a strait-jacket. To adopt a well-worn phrase, these are guidelines and not tramlines. Nonetheless, they provide a convenient formula for navigating the considerations which lie at the core of adjudicating upon alterations to listed places of worship, namely a heavy presumption against change and a burden of proof which lies upon the petitioners with its exacting evidential threshold. Since my judgment (as Chancellor of the Diocese of Oxford) in *Re St Peter & St Paul, Aston Rowant* [2019] ECC Oxf 3, (2020) 22 Ecc LJ 265, a practice has also developed of inquiring whether the same, or similar, benefits could be achieved in a manner less harmful to the heritage value of the particular church building.

21. In the present case, the proposed memorial screens contain no direct reference to the twin sisters whose generous legacy will be funding their installation. In any event, as I

acknowledged in my judgment (in this Diocese) in *Re All Saints, Hesketh with Becconsall* [2020] ECC Bla 1 at [16], the test of exceptionality, which applies to the introduction of a memorial, does not apply where what is sought to be introduced into a church is an object, such as a stained glass window, which is intended to adorn and beautify the church, and comprise part of its fabric, even though it may also commemorate a particular individual. In such a case, the court's focus should be on the merits of the memorial itself as an object of beauty and adornment for the church building, and the thoughts and reflections it will evoke and inspire in the observer. The proposed memorial should be judged upon its own appearance, and its effect upon the appearance, and significance, of the church as a whole; the court is required to assess the suitability and the quality of the design, whether it is appropriate to its proposed location within the church building, and how it will serve to advance the church's worship and mission, and support the faith of its congregation, and also parishioners and visitors to the church. I also recognised the reluctance of Consistory Courts to get drawn into disputes about the fine detail of the design of a memorial, whilst acknowledging that the court might have little choice but to do so where it was the very design of the proposed memorial which formed the focus of the opposition (or objection) to a particular petition. In that particular case (which concerned an unlisted, 20th century church), I granted the faculty sought for the installation of a new stained glass window in memory of a former parishioner even though the Church Buildings Council had not favoured its design, a view which I personally shared. I did not consider that the PCC (and the donor of the window) should be prevented from implementing their preferred design, which had commended itself as acceptable to the DAC, simply because it did not meet my own more exacting standards of design and taste (even though these were shared by the CBC).

Analysis

22. Applying the *Duffield* framework, my assessment of the present proposals is as follows:

(1) Harm

On the evidence, and in light of the advice received from the DAC, I am satisfied that no aspect of these proposals will cause any, or any more than minimal, harm to the significance of this church as a building of special architectural or historic interest. The Victorian Society have now withdrawn their original objection to the proposed screen within the north arch. Personally, I find the design of both memorial screens to be overly fussy; but it would not be appropriate for the court to reject designs which have been carefully considered and chosen by the parish, and approved by the DAC (to whom the CBC were content to defer), so long as they are consistent with Christian doctrine and beliefs. There is now no objection to the revised location of the projector. The proposed glass projector screen will be a definite improvement upon the existing outdated, drop-down projector screen. The new glass screen will improve the congregation's view into the chancel and through to the significant east window during church services. Since, sadly, for security reasons the church building is locked when not in use for worship or for other events, so that visitors to the church building are unable to come and go freely, I consider that the main focus for the court's deliberations must be on the view of the chancel, and through to the significant east window, during church services, and not at other times. But in any event, on the evidence, that view will not be permanently obscured outside church services (as the Victorian Society had feared). Furthermore, apart from the costs implications of any replacement screen, the proposal for a new glass projector screen will be easily reversible so that any harm would not be permanent or irrevocable.

(2) Justification

The parish have demonstrated a sufficient justification for the installation of the two memorial screens; and the Victorian Society have withdrawn their original objection to one of them. The parish believe that the two memorial screens will encourage and enhance worship and prayer within the church and make the building more comfortable for users. The screen within the south arch will bring practical benefits by helping to block draughts from the main door, whilst the screen within the north arch will help to ensure the symmetry of the east end of the church building. The new glass projector screen will bring the benefits outlined above. These benefits outweigh any minimal harm to the significance of the church building.

(3) Alternative means

In conjunction with the church architects, the petitioners have carefully considered whether the same or similar benefits could be achieved in a manner less harmful to the heritage value of the church building. They have concluded that they could not. The court is in no position to disagree with this assessment.

(4) Balancing exercise

On the evidence, and for the reasons set out above, if it were necessary to undertake the exercise of weighing any harm to the church building against the benefits of the proposals, the balance would clearly come down in favour of approving the proposals and granting the petition.

Disposal

23. For these reasons, I will grant the faculty as asked (with the revised location of the projector mounted to the wall on one side of the chancel so as not to affect the view of the east window and so as to be hidden from the majority of the chancel). There will be a condition that the petitioners are to comply with the recommendations and requirements in the letter from the church's insurer (Ecclesiastical) dated 22 October 2020. The works are to be completed within six months. I waive my fee for this judgment.

David R. Hodge

Chancellor Hodge QC

The 19th Sunday after Trinity 2021

A traditional screen



A glass screen

