

Neutral Citation Number: [2023] ECC Gui 1

**IN THE CONSISTORY COURT OF  
THE DIOCESE OF GUILDFORD**

Date: 24 January 2023

**IN THE PARISH OF CHERTSEY  
THE CHURCH OF ST. PETER**

**In the matter of a petition for a faculty** for the internal re-ordering of the worship space including the removal of nave pews and pew platforms; choir stalls and platforms from the Nave dais; new engineered oak board where pew platforms removed; replacement of nave ramp; replacement of carpet; provision of nave kitchen unit; provision of glazed screens to Memorial Chapel; local redecoration below Nave dado and in Memorial Chapel

**JUDGMENT**

1. St Peter's Church (also listed as St Peter with All Saints) is in the conservation area in Chertsey town centre, near Chertsey Abbey. The Church has a medieval Chancel and Tower and a Georgian Nave. It is a Grade II\* listed building.
2. The Chancel and Tower date to the early 14th century but the Nave was demolished and a larger one rebuilt in 1806-08, started by Richard Elsam and completed by Thomas Chawner. In 1869 the interior of the church was extensively remodelled by Thomas Blashill and the floor levels raised in the nave & chancel. The Statement of Significance notes that "New rather plain uncomfortable oak pews were installed in the nave on a raised plinth. The Sanctuary reredos was tiled with decorative mosaics and a rather undistinguished tile picture of the last supper, which is now hidden behind the high altar and a wooden reredos panel." In 1870 the architect Thomas Blashill introduced the current oak pews. The pew platforms are supported on oak joists, with aisles paved in encaustic tiles and decorative cast iron grilles covering heating trenches. The church was refurbished again in 1878, when the chancel walls were re-faced in Kentish ragstone to match the nave. The current organ was installed in 1880.
3. Pevenser makes some comments including "Tower medieval, rubble freestone and puddingstone patched with brick - an attractive mixture. All the outside detail Churchwarden Gothic but a 15th century tower arch inside..." He comments adversely on the rebuilt nave that "It is a repellent bit of Gothic, a hall church with square piers and four tiny attached shafts one at each corner supporting gauche vaults."

4. Further works were carried out in the 1960s and 1970s including the removal of pews at the east end of the nave and in the south west corner. The tower was strengthened with concrete and concrete beams replaced timber beams in the nave.
5. In the 1980s the church was reordered by the removal of three rows of pews at the front of the nave and the introduction of a nave altar on a two-tier rostrum level with the chancel. The choir pews were removed from the chancel to form an open worship space, the organ relocated and the archway between the chancel and the choir vestry bricked up. Some of the choir pews were relocated on a raised platform in the south side of the nave in front of the Memorial Chapel. The interior has a light, spacious and modern feel with screens to assist the latest forms of worship. A church hall was built in the graveyard and refurbished in 2014. The church was redecorated and given a new lighting system in the 2010s.

### **Significance of the Church**

6. The Statement of Significance assesses as moderate to high (regional importance) the medieval chancel and tower, the association with Chertsey Abbey, the peal of bells (the oldest of which was recast in 1374 for Chertsey Abbey) and its bell ringing tradition. The remainder of the church is assessed as 'Low Moderate' value except for the low value much-altered remains of the Georgian nave interior and the nave pews and choir stalls. I agree with this assessment except for the 1374 bell which is of high importance and the Victorian pews which are of moderate significance as they are by a known designer.

### **Statement of Needs**

7. The petitioners wish to replace the pews with stackable chairs, in order to provide a flexible space for worship and for a variety of uses, both for the church community and wider community use. The existing pews are inflexible and are widely seen to be uncomfortable and uninviting. They prevent the building from being used on six days out of seven, whilst its remaining accommodation is operating beyond capacity.
8. The church wishes to continue to vary its styles of worship, to enable breakout groups, worship in the round, and the setting up of smaller worship hubs for evening worship, along with smaller prayer groups. Its 9.00am traditional worship and 10.30am contemporary worship services are well attended. It plans to continue to develop an existing Sunday evening ministry for women (currently in the hall because of the inflexibility of the pews) in which there is sung worship, teaching, small prayer/breakout groups and refreshments and develop youth worship.

9. Prayer is core to the life of St. Peter's and an enclosed Memorial Chapel/Prayer Room will allow for daily staff prayers in a separately heated, sound-proof room rather than heating the entire building. The chapel is also used every day, by the wider community, with prayer resources available - a warm, attractive area for prayer. On Sunday mornings the Prayer Room will be a possible, short term creche area as well as part of the 24/7 prayer initiative.
10. The proposed new 'community space' will be used for Alpha Courses, a range of current courses and ministries for parents, children and families along with proposed after school clubs on two or three afternoons per week. The church will be able to expand its significant community holiday clubs for children. There is a shortage of community space in Chertsey and the church would be available for community use and events. It intends to employ someone to move chairs and have a welcomer role.

### **The Petition**

11. By a petition dated 4 October 2022 the petitioners applied for a faculty for:

the internal re-ordering of the worship space including the removal of nave pews and pew platforms; choir stalls and platforms from the Nave dais; new engineered oak board where pew platforms removed; replacement of nave ramp; replacement of carpet; provision of nave kitchen unit; provision of glazed screens to Memorial Chapel; local redecoration below Nave dado and in Memorial Chapel.

12. The works are predicted to take 3 months and the Bishop has consented to worship taking place elsewhere during this period. The petitioners completed a net zero checklist in compiling their proposals. The reordering was one of six priorities identified in the church's 2017-2022 Vision and Action Plan. At a PCC Meeting on 17 January the PCC were unanimous in approving the reordering plans and 1 August 2022 (following increased costs) the PCC resolved to go ahead with the petition with 17 in favour, 1 against and 2 abstaining.

### **Consultation and Advice**

13. The DAC's opinion is that the work proposed is likely to affect the character of the church as a building of special architectural or historic interest.
14. The Church Buildings Council was consulted in March 2022 and noted that the proposals were supported by a strong statement of needs that demonstrated that

the parish is using its buildings to the extent of their capacity. They suggested that the bell from 1374 is of high significance and pews with a known date and designer were not that common and of more than low significance, but it was content for their removal. The Council agreed that the proposals were broadly well-matched to the church's needs and recommended timber chairs in accordance with its seating guidance. The Society for the Protection of Ancient Buildings had no comment. The petition and DAC advice both note that Historic England and the Victorian Society were consulted, but there has been no response from them.

15. There were substantial communications between the architect from Thomas Ford & Partners and the DAC between June and July 2022 addressing protection of the organ, photographic records, inspection hatches, radiators and pipework, memorial chapel windows, tile layout, insulation, handrails, grills and pews. In August 2022 the DAC recommended the works subject to the proviso that details of the carpet and heating system are agreed by the DAC.

### **The Works**

16. The petition accepts that the most significant element of the proposal is the removal of nave pews. The pews are oak and are not considered to be of distinguished design although they are associated with a named architect and the contribute to a sense of order to the interior as pointed out by the CBC.
17. I accept that they restrict church and community use. The new floor in the area where the pew platforms are removed will be finished in a European oak board, maintaining the material quality of the pews. Where the aisles have been raised, the finish will be in tiles, intended to create variety and scale across the new floor. Stackable chairs, with upholstered oak seats and a chrome finish frame, would allow the space to be used in ways that are currently impossible.
18. The Cast Iron Heating Grilles are an attractive feature, but impractical as their holes catch chair legs and high heels, which is a potential cause of accidents. To manage this risk, it is proposed to remove the grilles from the northwest and southwest entrance lobby thresholds and tower. The remainder of the grilles will be retained beneath the new raised floor. New grilles will be plain aluminium cross blade pattern in a black finish to tone with removed and retained cast iron, mitigating the visual impact.
19. The glazed entrance screen to the Memorial Chapel is set back deeply behind the Edwardian timber screen and this will have a minimal impact on the appearance when seen from the main worship area. The glazed infill around the perimeter of the oak war memorial panel is carefully integrated with the joinery to minimise the

impact on the appearance. Metalwork for both screens will be bronze finish, visually recessive and toning with the oak joinery.

20. This small un-serviced mobile unit kitchen unit will be finished in a light tone, close to the background colour of the painted plaster finish behind. The counter will be oak to complement the background colour of the wall and relate to the adjacent floor finish where the pews are removed.

## **The Objections**

21. By letter dated 9 September 2022 Malcolm Loveday, a former churchwarden, longstanding member of the PCC and a DAC member objected to the proposals in his personal capacity. He had extensive involvement in many past changes and says that the church has been considering replacing the pews for the last 40 years. He agrees that the time is now right to introduce chairs to improve flexibility. His objections relate to many of the same points of detail discussed between the DAC and the architects between June and August 2022.
22. His objections include a) provision for adequate protection of the Organ, b) alterations to the Memorial Chapel Stained glass windows, c) unnecessary replacement of the radiators and the installation of additional radiators, d) filling in the pipework trenches & setting cast iron grills in concrete, e) inappropriate positioning of the central aisle hand-rail and the starting point of the ramp, f) the location of the kitchen servery unit, and g) hearing aid loop. He raised these with the petitioners and they were reviewed by the PCC on 1 August 2022. Mr Loveday maintains concerns that the PCC had not fully understood the issues.
23. In my judgment these matters have already been properly addressed by the DAC. Details such as the new pipework and radiators and the location of the kitchen unit have been considered carefully. He proposes alternative ideas to refurbish the north porch and questions some detail of the options selected by the PCC and architect.
24. As with any reordering there are a range of different ways in which the changes could be made and it is my role to ensure that the petitioners have chosen an appropriate way forward when there could be a range of reasonable approaches. It does not matter whether there are other options that an individual member of the congregation would prefer or indeed whether the details selected would be my personal preference. My role as Chancellor is to ensure that changes to listed buildings are lawful and appropriate having regard to the *Duffield* framework and the general law on the proper approach to changes to church buildings.

25. I note that the petitioners responded to Mr Loveday as well as to the Registry and confirmed that all of the points he raised were discussed by the architect and the DAC prior to its approval. The organ will be professionally protected along with the font and electrical equipment. I am assured that all of the issues Mr Loveday raises have been most carefully considered and that the public notice of works have been displayed as required and additional details of the plans posted on the internet. I have the certificate of public notice dated 3 October 2022.
26. Mr Loveday on 3 November 2022 indicated that he did not wish to be formally a participant in a Consistory Court since he supported the basic proposal for the removal of the pews. He wished his previous correspondence about the details of the proposals to be considered and suggested that he had not had a reply from the petitioner to his objections. A further copy of their response was sent to him by the Registry and there has been no further comment.
27. In a letter dated 4 November the Vicar informed me that the faculty application was the result of four years' careful discussion and planning. At every stage the PCC has been involved in the details of the scheme, as has the DAC. The plans have developed as a result of a high level of consultation between these bodies and the church congregations have been briefed regularly. Members of the church have supported the scheme by donating over £250,000. The Vicar therefore rejected Mr Loveday's suggestion that there has not been full consultation or support. He noted that following the rise in the costs of building the PCC paused for two weeks and prayerfully considered whether the project would continue. Remarkably, £105,000 new money was pledged, along with the offer (should it be needed) of an additional £150,000 in interest free loans. The PCC joyfully agreed to move forward and apply for this faculty following this level of support from the church. The Vicar noted that Mr Loveday had attempted to raise his concerns again with him personally at a Sunday service in August 2022 but he felt that it was not an appropriate time or manner for objections to be raised. He noted that most of Mr Loveday's personal concerns had been raised by other members of the DAC after which the works were recommended by the DAC.
28. I am satisfied that Mr Loveday's genuine and heartfelt concerns have been properly and fully considered and appropriately addressed by the petitioners and PCC on advice from their architects and the DAC. As he admits, these are differences of opinion over some of the details of the proposals and not the overall scheme or its impact on the church as a building of special architectural or historic interest.

## **Discussion**

29. I have considered the questions from *In re St Alkmund, Duffield* [2013] Fam 158:

- a. In the first part of this judgment I have identified the special architectural or historic interest of the church, and especially the character of those special interests.
- b. In my view the proposals would result in a low level of harm to the significance of the church as a building of special architectural or historic interest. I do not assess the harm as being of a serious nature in the context of the building as a whole and the changes that have been made to it over the decades.
- c. In my judgment there is clear and convincing justification for carrying out these proposals. The need for flexibility in the modern use of the church building has been on the agenda for several decades and has been sensitively and appropriately implemented in these proposals.

30. I bear in mind that there is a strong presumption against proposals which will adversely affect the special character of a listed building (*In re St Luke the Evangelist, Maidstone* [1995] Fam 1 at para 8). There will be substantial public benefit and opportunities for mission resulting from these proposals which outweigh this level of harm to a listed Grade 11\* building.

31. I have considered the helpful CBC guidance on chairs. The CBC generally advocates the use of high quality wooden chairs (i.e. unupholstered) and pews where seating is necessary. Its experience is that wooden chairs have the greatest sympathy with historic church environments, present the best value for money with long lifespans, and that a well-designed, ergonomic wooden chair can provide as much comfort as an upholstered design.

32. The CBC concludes that upholstered seats are generally not appropriate as they have a significant impact in terms of colour, texture and character which is not consonant with the quality of a highly listed church and they require regular refurbishment. They are said to be heavy and therefore more difficult to arrange and stack and the addition of soft furnishings can alter existing acoustics. The CBC notes that wood tones and textures fit well within church buildings and have been used for centuries in this context.

33. I am satisfied that the pews should be replaced by the Alpha High Stacking Lightweight Upholstered Chair recommended for this project. This design comes with a 10 year guarantee and has proved itself over many years of tough use. This addresses some of the concerns about upholstered chairs raised by the CBC guidance. The colour selected is one which will fit well with the interior of the church.

34. I accept that this design combines comfort with stackability and a light weight. Although timber chairs are of real architectural and aesthetic value, I note that the frequency of stacking of these chairs during the week means that the PCC will need to consider its obligations under manual handling regulations and guidance. A heavier timber chair would look more in keeping with the pews that they would replace, but may present a greater risk of injury when being stacked. These chairs stack 10 high, but I recommend the PCC buys the bespoke chair dolly allowing them to be safely stacked 25 high. Floor glides are standard to protect the floor, although I have known them to become detached and so the PCC should acquire spares.
35. I recommend (but do not direct) that the petitioners give consideration to purchasing a mix of timber chairs and metal frame chairs in similar designs. I have seen that work well in a number of church settings where a mix of Alpha chairs have been installed. If they decide to take that option there is no need for an amended petition, the petitioner should simply notify the DAC.
36. In those circumstances I grant the petition for a faculty as sought on the conditions outlined by the DAC. The works must be completed within 24 months.
37. I apologise to the petitioners for the delay in issuing this Judgment. I needed to address these matters in detail for the reasons set out above and consider in particular the request to depart from the CBC guidance on chairs. A technical problem over Christmas then added to the delay.

The Worshipful Andrew Burns KC, Chancellor