

Re St Mary, Balcombe

Judgment

1. By a petition dated 27 May 2014, but received at the Registry on 12 January 2015, the priest-in-charge and churchwardens of St Mary, Balcombe seek a faculty for the conservation and restoration of two windows at the east end of this Grade I listed church building. There has been a church on this site since at least 1090, but the oldest parts of the current building date from the late 13th or early 14th century. As is so often the case, the building was the subject of a substantial extension and reordering in the 19th century. It was during that time that the two windows with which I am concerned were installed at the church: the window behind the main altar (Window 1) and the window in the eastern elevation of the side chapel (Window 2). Both windows, and particularly Window 1, are considered to be fine examples of Victorian stained glass, although much of the detail in those windows has been lost as a result of poor firing at the time of manufacture. In particular, the facial features of the figures in the windows have faded to almost imperceptible 'ghost lines'. It is through the proposed works that the parish hopes to return them to their former glory.
2. Perhaps unsurprisingly given the fact that these are works of conservation and restoration, the public notices elicited no objections. Although it would seem that all are supportive of the need to conserve and restore the two windows, a dispute has arisen about the appropriate contractor to undertake the works. The Diocesan Advisory Committee recommended the works subject to three provisos. The second and third provisos are uncontentious and have been accepted by the parish. However, in the first proviso the DAC advised that the identity of the contractor should be approved by the DAC and stated that it would only recommend such work if it were to be done by a studio registered as being accredited on the ICON (Institute of Conservation) list. The parish is extremely keen to use Mr David Sear of the Lincolnshire Stained Glass Studio as their contractor. Mr Sear is not registered on the ICON list.
3. The advice of the Church Buildings Council has already been sought in this case and the DAC has indicated that it will defer to the opinion of the CBC in this matter. Had it not already occurred, I would have directed that the advice of the CBC should be sought under rule 8.6 of the Faculty Jurisdiction Rules 2013. As things stand there is no need to do so as I am satisfied that there has already been adequate consultation with the CBC and its advice is available to the court in the form of two emails from Dr

Pedro Gaspar of the CBC dated 17 November 2014 and 16 February 2015 respectively.

Background

4. Since 2011, Mr Sear has been employed to fulfil a number of smaller contracts for works to other windows in this church. This includes the restoration and conservation of Window 9. Those latter works were similar in nature (although far more modest in scale) to those proposed for Windows 1 and 2. The inspecting architect has confirmed that all of those works have been completed to a very high standard. It is in light of this experience that the parish now seek to employ Mr Sear for these additional works.
5. As a result of the DAC's suggestion that only an ICON registered contractor would be recommended, the parish sought references for Mr Sear in the hope that such references would serve to assuage the concerns of the DAC about Mr Sear's lack of accreditation. A reference was obtained from Mr Colin Kerr of Molyneux Kerr Architects, a highly respected architect in this field and consultant architect for Chichester Cathedral. Mr Kerr has worked with Mr Sear on a number of projects over a period of twelve years, including major commissions in relation to important glass in the large west windows at All Saints, Margaret Street (Grade I listed) and St John, Hyde Park (Grade II* listed) in London. Those commissions have involved Mr Sear in works very similar to those proposed at Balcombe church, including the releading and plating works about which the CBC has raised queries. In what is a reference fulsome in its admiration, Mr Kerr praises Mr Sear's excellent aesthetic sense and high craft skill. It is testament to Mr Kerr's regard for Mr Sear's work that despite a professed reluctance to provide references for craftspeople, Mr Kerr does not hesitate to recommend Mr Sear's skills as sufficient for the proposed works.
6. When the CBC was first consulted about the proposed works it expressed concern about the lack of information available at that stage. In the light of its comments, the matter was referred back to the petitioners for further comment and a more detailed report was provided by Mr Sear dated 30 December 2014. The CBC was then given a further opportunity to offer the Court advice on the proposed works. It did that in its email of 16 February 2015 and the petitioners then responded to the CBC's second email enclosing a letter from Mr Sear addressing those concerns identified by the CBC as outstanding.
7. The CBC has raised a number of specific queries and concerns relating to:
 - a. the possible use of protective glazing for Window 1 as an alternative method of conservation given the risk of continued deterioration from environmental conditions;

- b. whether there is a need to relead Window 1 fully, rather than preserving as much of the original lead as possible;
 - c. the extent of any plating and the risk of moisture penetrating the cavity of the plates; and
 - d. the risk of losing original material when sections of glass from Window 2 are reversed (it having been installed back-to-front initially).
8. Mr Sear addresses each of these queries as follows:
- a. The use of protective glazing would not be appropriate in this case as the condensation problems which have contributed to the deterioration have been successfully addressed in earlier works and therefore the use of protective glazing would unnecessarily compromise the originality of the window, be a large additional expense and provide little benefit;
 - b. Mr Sear confirms that it is his intention to retain as much of the original lead as possible and replace it only where necessary;
 - c. The plating technique would only be used for critical areas of the window (essentially the features of the main characters) which amounts to approximately 7% of the window's area. In Mr Sear's experience the problem of moisture ingress is addressed by the firing and moulding of the glass to the exact contours of the original glass and the use of conservation grade silicon.
 - d. Mr Sear confirms that no original material will be lost from Window 2.

Determination

9. I am grateful for the advice of the DAC and CBC in this case and appreciate the concern of both bodies that in cases such as this it will almost always be appropriate to use accredited conservators. That said, it would be unjudicial of me blindly to apply a blanket requirement for the ICON accreditation of contractors. It is not for me, as Deputy Chancellor, to impose my own views and preferences as to the appropriate contractor on the petitioners, but rather to consider whether *these* petitioners have acted reasonably in selecting *this* contractor to undertake *these* proposed works. Does he have the requisite skill and experience?
10. It seems to me that the petitioners have provided sufficient evidence to satisfy me that he does. Albeit not ICON accredited, he is a Member of the British Society of Master Glass Painters. He clearly has a significant number of years experience working on similar projects to the acclaim of well respected professionals. He has considered and addressed concerns raised by the CBC and is clearly sympathetic to conservation concerns and the need to preserve originality where possible. As Mr Kerr puts it: "He knows that there is a line not to be crossed in conservation repair/restoration". It is perhaps unfortunate that a greater level of detail was not included within Mr Sear's initial report as this would perhaps have alleviated the concern of the CBC caused, in large part, by a lack of

detailed information. I am now satisfied that that information has been provided.

I order that a faculty shall pass the seal on the following conditions:

- The works shall be undertaken by Mr David Sear of Lincolnshire Stained Glass Studio Ltd;
- The works shall be undertaken under the direction of Nicholas Rowe and completed within 12 months or such extended time as may be allowed.

Ruth Arlow

10 March 2015

Deputy Chancellor