

In the Consistory Court of the Diocese of Chichester

No 1172

In the matter of All Saints, Hove

Judgment

1. The church of All Saints, Hove dates from 1889. English Heritage, in a letter of 16 March 2020, describes it as follows:

All Saints is listed at grade I and is of outstanding significance for the extraordinary quality of its architectural design and furnishings, its association with the great English nineteenth-century church architect and Gothicist, J. L. Pearson, and for illustrating with its huge scale the success of Hove as a seaside resort by the late nineteenth century. The church's main attraction is its truly magnificent interior, cathedral-like in scale and with a richness of detail and sumptuous furnishings not even surpassed by J. L. Pearson's cathedral at Truro. Its design is broadly in a French C13th style, although fused with the English predilection for large piers of clustered shafts and deep clerestory wall-passages.

2. The petition before the Court seeks a faculty for the following works:

Provision of a new café in the west end of the church including new freestanding café servery and food prep kitchen; integrated chair store; new services for the above (water, power, drainage); new glazed door to south porch; new loose café furniture and welcome desk.

3. The petition is unopposed, in the sense that there is no party opponent. Having regard to the Covid-19 emergency, I considered it expedient to determine the matter on the papers without a site visit.

The petitioners' case

4. The petitioners' case has been set out in the Statement of Needs, detailed plans and supporting papers, various email communications with the registry and, finally, in written representations dated 1 June 2020.

Views of consultees

5. The DAC issued a Notification of Advice on 25 February 2020 recommending the work subject to some minor provisos which are uncontentious. The DAC recommended consultation with the Church Buildings Council, Historic England and the Victorian Society. The DAC supplied a detailed memo setting out the reasoning behind its recommendation and commenting on the matters raised by the Victorian Society concerning the design of the café and the selection of chairs. In addition, I had the advantage of reading a detailed note of the DAC's site visit on 26 September 2019.
6. The Church Buildings Council advised that it did not wish to comment on the proposals.
7. Pre-application consultation began with English Heritage some while ago. They are fully supportive of what is now proposed. In a letter of 16 March 2020 they state:

We think that a social enterprise café which would allow for the church to be open more regularly to the local community, as well as allowing for increased use of the church for events, concerts and talks is positive. The design of the proposals would allow for a more organised area for storing chairs, and a rationalisation of the somewhat ad-hoc kitchen solution currently in use. We do not have concerns regarding the insertion of a glazed door in the south porch, which is a new aspect of the proposal since our 2010 letter of advice.

Thank you for consulting us on this application, we support the proposal and are happy to defer to the DAC in matters regarding it going forward.

8. The only dissenting voice is that of the Victorian Society, and I directed they be specially cited. They declined to become a party opponent but asked me to take their various observations into account in determining the petition.

Discussion

9. The applicable law is to be found in the *Duffield* framework which takes the form of a series of questions to be addressed by the chancellor: *Re St Alkmund, Duffield* [2013] Fam 158. I can deal with the questions under the *Duffield* framework relatively briefly.

Harm

10. For the reasons carefully advanced in the petitioners' written representations of 1 June 2020, I assess the likely harm to the significance of the church as a building of special architectural or historic interest as low. The proposed work is limited to the south west corner and will amount to an aesthetic improvement on the *ad hoc* provision for refreshments currently in use in the church. The parish carried out a detailed Heritage Impact Assessment, which is not challenged. The interference with the fabric will be minimal and almost entirely reversible, as most units will be free-standing. It will occupy a discrete area at the rear of the church and not intrude into the sacred space.

Justification

11. The justification for the proposed works is fully set out in the Statement of Need, as supplemented by the written representations. In summary, the café would provide for a pressing need for social gathering in the community; it would encourage volunteers, training and some paid employment amongst the disadvantaged; it would allow the church's stunning interior to be open to visitors during the week when the church is currently locked; and the design has environmental sustainability as a principal consideration. The glazing and re-opening of the south doors will make the entrance to the church more visible and welcoming. The café will generate income to be applied in the work of the PCC. Outside seating can be provided during the summer months, subject to any appropriate permissions being obtained from the local authority.
12. It is to be noted that the Victorian Society regard 'the principle of what is proposed as uncontentious' and welcome the opening up of 'so fine and important a building'. The Society further considers a permanent kitchen and servery as 'acceptable in principle'.

Will public benefit outweigh harm?

13. Unquestionably the answer to this is yes: and by a considerable margin. On a reading of the extensive documentation in this case, the Victorian Society generously concede that this is the case. But they raise points of detail which amount to matters of concern.

14. The Court should therefore consider whether the petitioners' proper and justified objective can be achieved in a less harmful manner or by less intrusive means. The correspondence from the Victorian Society seems to come down to three matters: (1) that the storage (largely for chairs) may become obsolete or redundant and could be omitted thereby reducing the bulk and impact of the project overall; (2) that the open servery could be replaced by a design capable of being closed up and therefore less visually intrusive when not in use; (3) that the choice of chairs could be linked with a more holistic reordering of the seating in the church, noting in particular the inappropriateness of some folding chairs and red upholstered chairs which are currently deployed in the body of the church.
15. These are all legitimate points and the petitioners have responded to them fully, both when they were first raised in correspondence and more recently when the Victorian Society made representations to the Court. On points (1) and (2), I consider that the petitioners have provided a full and sufficient answer. They submit, and I concur, that there will always be a need for storage. I note from visiting other churches that stacking chairs against walls when not in use is a common practice and most unsightly. I subscribe to the view that one can never have enough storage in a church. On the 'closable' servery, I am satisfied that the petitioners and their advisers have conscientiously considered alternative constructions, but concluded that their proposal makes best provision for what will be a major catering operation. They were entitled to come to that decision with a design that navigates an appropriate course between the overtly commercial and the seamliness of a church setting. I do not consider that a change to the design would reduce the 'harm' to any appreciable extent.
16. There is more force, however, with regard to the chairs, and I have concluded that the appropriate way forward is to treat the seating (and tables and other loose furniture) as a 'reserved matter' to be subject to separate consideration in due course. My expectation is that thought will be given to long-term holistic planning prior to proposals for the café chairs being submitted to me for approval. Advice can be taken from the DAC on this matter. It is unlikely that the Court would approve an upholstered or part-upholstered design of chair, either for the café area itself or for the body of the church.
17. In the circumstances, I direct that a faculty pass the seal subject to the following conditions:
 1. That no work is to be carried out until:
 - a. details for the drainage have been approved in writing by the Chancellor;
 - b. the design of the welcome desk has been approved in writing by the Chancellor;
 - c. building regulation approval for the proposed drainage has been obtained from the local authority.
 2. That no additional chairs, tables or other 'loose furniture' are to be introduced into the church (including, but not limited to the café area) until a specification has been agreed in writing by the Chancellor;
 3. That the work is carried out under the direction of Lian Harter of Purcell Architects, in conjunction with the inspecting architect (if so advised).
 4. That the work is to be completed within 24 months or such extended time as the Court may order.

5. That within five years, the parish is to come forward with proposals for replacing the existing folding chairs in the body of the church and for permanent seating provision therein.

18. Finally, I wish to express my gratitude to the petitioners for the careful and thorough manner in which this matter has been pursued, and to note in particular the contribution of the vicar, Fr Ryan Green, and Dr Peter Hanford of the parish's Strategic Development Team. The Statement of Need is an exemplar of best practice, and the written representations were focussed, cogent and well-crafted. This is an ambitious project which will unlock this vast hulk of a building for enhanced community use. It is precisely the sort of outreach and engagement that should be at the front and centre of the Church's mission and witness: never more so than in the aftermath of the Covid-19 emergency which has had challenging repercussions for our sociability and humanity. I wish the parish well.

The Worshipful Mark Hill QC
Chancellor of the Diocese of Chichester

4 June 2020