

In the Consistory Court of the Diocese of Leeds

In the matter of St Augustine of Hippo, Wrangthorn

Judgment

1. I begin with an apology to all concerned with this matter for the time taken for its determination. The consultation process, including special citation, was unduly protracted, and I have latterly been committed to engagements overseas. I did not consider it proper to assign it to the Deputy Chancellor, as I was already seized of the matter having made a series of directions.
2. All those concerned with the faculty jurisdiction, both petitioners and objectors, deserve a swift determination of contested proceedings. The responsibility for the delay is mine and I apologise unreservedly for keeping everyone waiting in this instance. I am aware that unresolved petitions can be unsettling for a parish and a pastoral concern for clergy and laity alike.
3. This petition is for a relatively modest re-ordering of the Grade II parish church, to include:
 - (a) Removal of the majority of pews and levelling of all pew platforms, with new stone flooring in the areas of removed pews (with tiles in aisles to be retained and repaired) and with six existing pews to be shortened and relocated to the north transept/chapel and a further four modified and retained as moveable space dividers;
 - (b) Modifications to the north transept/chapel, including relocation of the war memorial, removal of the altar dais, and modifications to altar and altar rails to allow moveability;
 - (c) Introduction of flexible, non-upholstered timber chairs (Abbey or Theo design) of sufficient number to furnish the full nave, with associated storage units in the north and south transepts and at the west end;
 - (d) Upgrade of current lighting, with retention of existing pendent fittings and introduction of additional fittings;
 - (e) Upgrade of current sound system, with replacement of ad hoc sound desk with a flexible new station.

Permission is also sought for:

- (f) The introduction of air source heat pumps to the north of the church and installation of underfloor heating throughout the church and church hall, with the retention and relocation of existing radiators in the church to serve as back-up; and
- (g) The construction of a link building between the church and church hall, formed on the north side of the site in materials to match the church and church hall, to incorporate WCs, kitchen facilities and lift; with associated modification to

three windows in the north elevation of the church to create doorways and serving hatch, and removal of one ash tree.

- (h) The internal reordering/refurbishment of the church hall; removal of the current entrance lobby and building of a new brick and glazed entrance with green roof; and construction of a covered corridor along the west wall.
 - (i) The installation of solar panels to the south roof of the church hall.
 - (j) The introduction of a bin store (screened by fencing) and cycle racks, and relandscaping of the grounds, including tree planting.
4. There is a long and complex history to this matter. Some documents date back to as early as 2015. The project has gone through innumerable iterations and reworkings. I commend the parish on their perseverance and their engagement. It is not for the Court to wade through all the background, although I am grateful for the Timeline provided by the petitioners. Its function is more modest, namely to determine whether the petitioners have discharged their evidential burden, on the balance of probabilities, in demonstrating that a faculty for the present proposal, should be granted in accordance with the well-known *Duffield* framework.
5. In my assessment that have. What follows are my brief reasons. I have considered all the papers on the Online Faculty System and all opinions expressed, even though I do not refer to each and every individual consideration in the course of this judgment.

Statutory Consultations

6. On 23 March 2024, the DAC recommended the proposals for approval subject to the proviso that:
- Full technical details of heating, lighting and solar panels should be submitted for approval by the Court prior to works commencing.
7. In a letter dated 28 June 2022, Historic England commented as follows, adding that any unamended application for faculty for this work can be determined without further reference to themselves.

Overall, we consider the proposals for the interior of the church building would cause less than substantial harm to the architectural and historic interest, and therefore the significance, of the listed building. We note the contents of the Statement of Need and the background work that has gone into producing the current proposals. We recommend the harm that the proposals would cause is weighed against the benefits of the scheme to the current congregation, wider community and future users of the church building.

8. A series of observations and concerns were raised by Historic Buildings and Places (formerly the Ancient Monuments Society) in an email dated 25 July 2022, all of which were taken into account in subsequent revisions to the project, as graciously noted in a further email of 7 August 2023.

9. An email dated 2 August 2022 from the Victorian Society indicated support for the broad principle of this scheme, but also raised detailed concerns and observations. It considered that no case had been made for 'wholesale de-pewing' (an expression which, whatever its underlying merit, does harm to the significance of the English language). The Society, however, did not respond when specially cited.
10. On 15 January 2024, Leeds City Council granted planning permission for those elements of the current proposal which require it.

Objections

11. Two objectors wrote to the registry following public notice. Neither elected to become a party and therefore I take their correspondence into account in this determination. I do not consider it appropriate to name them in this judgment. They have long – in one case life-long – connections with St Augustine's.
12. Their objection concerns the removal of the pews. They also complain about a lack of consultation in how the project has been presented.
13. Focusing on the substantive, as opposed to the procedural objection, they say the loss of the pews will cause irreversible harm to the church building. The pews, they argue, are part of a holistic scheme for the interior. They also provide more practical seating than chairs. They maintain that the proponents of change have not articulated any justification for the removal of the pews.
14. Whilst I appreciate the objectors' frustration at an apparent lack of engagement by the parish, this petition must be determined on the merits and I do not consider that the objectors have been prejudiced by any shortcomings (on which I make no findings) in the consultative process. The objections are clear and articulate and focussed on the most recent iteration of the proposal.

Applying the *Duffield* framework

15. St Augustine's is a Grade II listed building, whose listing statement reads as follows:

Anglican church. 1870-71. By James Barlow Fraser. Rock-faced gritstone, ashlar details, slate roof. Gothic Revival style. EXTERIOR: tall SE tower of 3 stages with shallow corner buttresses, tall paired lancets and carved corbels in the form of angels and grotesques to 2nd stage and octagonal bell-stage, large open pinnacles, surmounted by tall stone spire. Entrances at base of tower and S porch: board double doors with strap hinges in deeply moulded arch, gablet over. Decorated window tracery, the E and W windows of 5 lights. Clerestory. Low N and S aisles with 3-light windows, N and S chapels, nave, chancel, S porch. The spire is a landmark in the area. INTERIOR: 5-bay nave with floor of red and black tiles, polished marble cylindrical columns, foliate capitals, chamfered pointed arches, electric light fittings with central orb and pendant bulbs with stylised leaf motifs,

low original pews with umbrella holders, font in SW corner with marble shafts and octagonal bowl with angels, wooden domed cover with wrought-iron cross and gilded boss pulley balance. Shallow 2-bay transepts with square pulpit of inlaid marble on square and cylindrical squat columns; chancel arch with short black marble shafts; 3-bay chancel with polychrome-tile floor, painted vaulted wooden ceiling, choir stalls with plaque in memory of James Boulton, first vicar of Wrangthorn 1866-1908. Brass altar rail, eagle lectern, reredos of pink veined marble in Gothic Revival style with central mosaic of the Last Supper and raised lettering: 'IN THE REVERENCE OF GOD AND IN MEMORY OF JOHN AND HARRIET FRASER', dated 1882, flanking panels with bible passages. East window depicting Life of Christ, in memory of John Fraser, civil engineer of Leeds, died September 1881. A painting by JL Adams in 1883 shows wall paintings over chancel arch and on the walls, and brass candelabra hanging from the nave arches.

16. I agree with Historic England that these proposals, if implemented, will cause less than significant harm to the building.
17. Whilst there may have been shortcomings earlier in the over-lengthy development of these proposals, I am of the view that the petitioners, in their revised Statement of Need and Statement of Significance have produced a clear and cogent justification for these works. I note in particular the revisions made in response to objections by which pews will be retained in the north chapel and the bespoke pews with collection boxes and a receptacle for notes to the clergy will be retained.
18. The need for a level floor and for a heating system which will equip this parish to be carbon neutral is compelling. The removal of the pews is justified to enable a levelling of the floors which will improve access for those of limited mobility and enhance the use of the church both liturgically and for other events of benefit to the community.
19. In my assessment the public benefit will outweigh the harm by a considerable margin.

Disposal

20. It therefore follows that a faculty will pass the seal subject to the following conditions:
 - (1) That work is not to commence until the technical details of the heating, lighting and solar panels have been approved by the Chancellor, following consultation with the DAC.
 - (2) That the work is to be carried out under the direction of the parish's inspecting architect.
 - (3) That the faculty is not to be implemented until the Court costs have been paid in full by the petitioners.
21. This is undoubtedly an ambitious project, but one which will render this church fit for mission and outreach for generations to come. My hope is that the time for its completion will be shorter than the seemingly interminable period of consultation and planning over the past decade.

The Worshipful Mark Hill KC
Chancellor

29 May 2024