

Re St Mary and St Thomas of Canterbury, Wymondham
(‘Wymondham Abbey’)

Judgment

1. The vicar and churchwardens of this parish, in a petition dated 26 May 2013, seek a faculty for significant extension and reordering works to this substantial parish church. The principal purpose of the proposed works is to open up the church building and create a flexible learning and interpretation centre (‘the Abbey Experience’) within this ancient church. The church was established as a Benedictine Priory and parish church in 1107 on the site of an earlier place of worship. The proposals are substantially funded by a Heritage Lottery Fund grant in excess of £1.5 million.
2. All of the bodies consulted express broad support for the named purpose, although English Heritage (‘EH’), the Society for the Protection of Ancient Buildings (‘SPAB’) and the Church Buildings Council (‘CBC’) have all expressed some reservations about aspects of the proposed works. The Diocesan Advisory Committee (‘DAC’) has recommended the proposed works. The Ancient Monuments Society supports the proposals and the local authority granted planning permission for the development on 27 February 2013. There has been no objection received as a result of the Public Notices displayed or the newspaper publication of the proposed works.
3. In light of the impending application, I was able to visit Wymondham Abbey in January of this year in the company of the DAC secretary who was able to give me an outline of the proposed works. This impressive building is clearly well-loved, well-used and well-cared for.

Background

4. Wymondham is a substantial market town to the west of Norwich. Wymondham Abbey is Grade I listed and is a building of international historic and architectural importance. Having originally been built as both a priory (later becoming an abbey) church and a parish church, what remains standing is but half of the original building. The eastern end of the church was demolished in the 1530s when the church was transferred to the sole charge of the parish at the Dissolution. Nevertheless, the current church remains a vast and dominating landmark on the Wymondham skyline with two imposing towers which can be seen from miles around. Architecturally, the church was initially completed in the 12th century but, as is to be expected, has

been significantly extended and altered over the centuries. As well as notable changes in the 14th, 15th and 16th centuries more recent architectural alterations can be seen, such as the magnificent 20th century altar screen designed by Sir Ninian Comper. In addition the building is home to a significant collection of archives, including many medieval charters and documents, which are housed in the church's muniment room.

5. As well as its national and international significance, Wymondham Abbey clearly has an important role in the local community, both in Wymondham itself and further afield. Principally, it is a place of active Christian worship and has been so for over 900 years. In addition, it serves as key local focus for heritage matters (with 20 000 visitors each year) and has a growing role as a cultural centre, hosting musical concerts and arts events throughout the year. Wymondham Abbey is also used as an educational resource for schools and the wider community. The potential to develop this latter role plays a significant part in the proposed works with which I am concerned.
6. This petition represents the culmination of the development of the parish's vision for these works which has taken place over a period of more than fifteen years. It is clear from the papers before me that during the development of the project the parish have consulted widely and listened carefully to the advice of experts. I commend the willingness of the petitioners to take account of other opinions which did not perhaps accord with their own. Over the years they have made a number of alterations to their plans in light of that advice, including the scaling down of the size of the south extension and significantly reducing the works proposed to the east tower.
7. The perceived (and largely accepted) needs of the parish are set out fully in the comprehensive Statement of Need. I hope I do the petitioners no disservice by summarizing their key needs thus:
 - a. Space for use as choir and clergy vestries, a music library and a sacristy (all of which are currently 'housed' within an temporary structure in the south aisle);
 - b. Space for use by educational groups and as meeting and training rooms;
 - c. An area for the display of archive and exhibition materials and interpretative information;
 - d. Toilet and kitchen facilities to offer proper hospitality to the many worshippers, visitors, volunteers and concert-goers;
 - e. Changing and rehearsal facilities for musical events, both ecclesiastical and secular;
 - f. An accessible and secure space in which scholars or students can view archive materials which are currently hard to access for some;
 - g. The removal of the temporary vestry structure, allowing a full appreciation of the historic and architectural character of the

- south aisle, and increasing the seating capacity within the church;
- h. Additional storage space for the myriad types of equipment needed in the running of this busy parish church;
 - i. Improved and relocated shop facilities with associated storage, which would allow the opening up of the west door.
8. It is proposed that these needs should be met by the following works:
- a. The creation of two single storey extensions at the east end of the church; the first on the north side occupying the space previously filled by the medieval chapel of St Margaret and current overgrown, fenced off and containing a redundant 20th century boiler flue; and the second larger extension on the south side to provide a sacristy, clergy vestry, archive reading room, a store, lavatories, a kitchen servery, display area and flexible space for educational use, displays and meetings;
 - b. The creation of a path through the base of the ruined east tower to link the two new buildings;
 - c. Internal reordering of the church including the removal of the temporary sacristy and vestries from the south aisle and relocation of the shop; and
 - d. Creation of a raised herb garden to the south of the church building.
9. There is little, if any dispute about almost all of these proposals. The only area of significant disagreement relates to the extension of the east end of the church. It is fair to say that the extension to the north side will have only a limited impact on the church's aspect as it will largely be fitted within existing structures. There are no concerns about this extension. Nevertheless, the same cannot be said of the proposed extension to the south side of the church which is much larger and strikingly 21st century in appearance. The extension is to be of natural stone with a terne-coated steel roof. The lines of this extension are conspicuously simple with significant glazed panels to the roof and east elevation showing a distinctive internal steel structure.

Objections

10. In accordance with the statutory regime, various bodies have been consulted or asked for advice in relation to the proposed works. As indicated above, EH, SPAB and the CBC have each made observations or expressed reservations about the works. On 5 June 2013, I gave directions giving each of these bodies the opportunity to become a party opponent to the petition or to make further written representations. Each body has declined to become a party opponent, and has chosen to rely on existing representations and asked that I take their written representations into account. Being satisfied that it is expedient to determine the matter on the basis of written

representations, I shall do so, and in doing so I take full account of all of the representations placed before me.

11. English Heritage essentially supports the proposed scheme but has taken the opportunity in their letter of 11 January 2013 to make representations about the detailing. Correspondence shows that the parish have noted and acted upon those representations, including the simplification of the south extension roof and undertaking further investigations about the 'green roof' for the north extension.
12. Whilst accepting the stated needs of the parish and supporting the scheme in principle, both SPAB and the CBC have expressed significant concerns about the scale and form of the south extension. Although they make no objection to the other aspects of the proposed works, it appears to me that those other aspects, in particular the internal re-ordering and the layout of the north extension, would be entirely contingent upon the outcome of the application in relation to the south extension. Both SPAB and the CBC acknowledge in their correspondence that a reorganization of other aspects of the scheme would be required (and indeed should be encouraged) in the event that the south extension was to be reduced in size or changed in form. On that basis, I shall treat the whole scheme in its present form as standing or falling on the decision about the south extension.
13. The concerns of SPAB and the CBC are broadly similar. They are set out fully in the correspondence that I have seen but the key points can be (I hope fairly) summarized thus:
 - a. The scale of the south extension is too great, in particular, it protrudes inappropriately beyond the line of the south aisle of the church and beyond the west wall of the east tower;
 - b. An extension on the south side of the church of the proposed scale is unnecessary as the parish's needs could be accommodated by more efficient use of the space within the existing church building (e.g. by using either the base of the west tower or a space behind a relocated Lady Chapel altar as a vestry, or by putting increased storage in the base of the west tower and a kitchen and display area at the east end of the south aisle);
 - c. The design of the south extension is detrimental to the essential character of the church building. In particular, the large areas of glazing are not in harmony with the east end of the church.

The law

14. The Court of Arches recently set down a new framework or guidelines for the determination of petitions such as this one in its decision in *Re St Alkmund, Duffield* (1 October 2012). That framework took the form of a list of questions, namely:

“ 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 the answer to question (1) is “no”, the ordinary presumption in faculty proceedings “in favour of things as they stand” is applicable, and can be rebutted more or less readily, depending on the particular nature of the proposals (see *Peek v Trower* (1881) 7 PD 21, 26-8, and the review of the case-law by Chancellor Bursell QC in *In re St Mary’s, White Waltham (No 2)* [2010] PTSR 1689 at para 11). Questions 3, 4 and 5 do not arise.
 3. If the answer to question (1) is “yes”, how serious would the harm be?
 4. How clear and convincing is the justification for carrying out the proposals?
 5. Bearing in mind that there is a strong presumption against proposals which will adversely affect the special character of a listed building (see *St Luke, Maidstone* at p.8), 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? In answering question (5), the more serious the harm, the greater will be the level of benefit needed before the proposals should be permitted. This will particularly be the case if the harm is to a building which is listed Grade I or 2*, where serious harm should only exceptionally be allowed.” (*para 87 of the judgment*).

15. In addressing the questions laid down by the Court of Arches I must also remind myself that the burden of proving on the balance of probabilities that a faculty should be granted in this case rests squarely on the shoulders of the petitioners.

16. I also have regard to the fact that Planning Permission has already been granted in this case. Whereas I am, of course, not bound by the decision of the planning authority, it is clear that that decision must be relevant to my considerations. In *Re St Mary, White Waltham (No. 2)* [2010] 3 WLR 1560 Chancellor Bursell QC carefully reviewed the case law in this area and said:

“[I]n my view any court should recognize a proper comity between courts and tribunals of different jurisdictions. That being so, and having considered the various authorities set out above, I have reached the decision that the consistory court is entitled to accept the reasoned decisions of a planning authority...unless they are demonstrated to be wrong by cogent evidence. If the matter has been properly aired before such an authority...the consistory court is entitled in my view to accept the planning decision as a reasoned starting point from which to begin its own deliberations. In such circumstances it is insufficient for an objector merely to voice dissatisfaction with a decision: any objection must itself be reasoned and supported by proper evidence. Precisely what evidence may be required to displace the assumption in favour of the reasoned planning decision will depend upon the particular facts of the case. Thus the case may have been put differently before the planning authorities or a particular aspect may have been overlooked.”

Determination of the petition

17. Given the lack of dispute about the appropriateness of the other proposals, I shall focus my application of the *Alkmund* questions on

the south extension in this case. In answering those questions, it is important to consider the particular significance of Wymondham Abbey as a building of special architectural or historic interest. I have read carefully the extract from the Wymondham Abbey Conservation Management Plan which serves as comprehensive Statement of Significance in this case as well as the report of Dr Roland Harris entitled 'Archaeological Assessment and Mitigation Strategy'. It is abundantly clear, from these as well as other documents, that the significance of the church comes in large part from the development of a range of historical architectural styles over the centuries. Given this unique combination of architectural variety on the grand scale which exists at Wymondham, it is proper to regard the proposed works as resulting in harm to the significance of the church as a building of special architectural or historic interest.

18. Having answered the first of the *Alkmund* questions in the affirmative, I now move on to consider the third question: how serious would the harm be?

19. I note that the south extension has been carefully designed in such a way as to minimize its impact on the historic fabric of the building. The ridge of the extension connects to the south wall of the church below the Romanesque blind arcading. Internally there is a double height space against this wall, leaving the whole wall with its archaeological and architectural features wholly visible and intact. Any internal partitions have been designed to avoid interference with the fabric of the most archaeologically sensitive south elevation of the chancel.

20. It is clear that the principal harm occasioned will be the aesthetic impact of the new extension on the building. It is not for me as chancellor to impose my own aesthetic sensibilities upon petitioners. The extension is undoubtedly striking and clearly 21st century in style. I note the words of Chancellor George QC in *Re St John the Evangelist, Blackheath* (1998) Ecc LJ 217 where he says:

"it is part of the joy and interest of listed buildings, and in particular churches, that they include accretions, many of which are not entirely consonant with what was there before. If the accretion has merit, then normally it should not be removed, even in the interest of historical or architectural purity."

I agree that where the quality of the modern addition to a listed building is high, the fact that it does not entirely correspond to the existing building is not a reason to reject that addition. In this case, these aesthetic considerations have been fully examined by the local planning authority, and planning permission has been granted. I can see nothing before me which would amount to cogent evidence not before the planning authority. At no point have submissions been made that a particular aspect of the case was overlooked in the

making of that decision. In my view the harm occasioned by the proposed works is not so very serious given the quality of design of the south extension. This has been praised by the planning authority's Conservation, Design and Landscape Manager as "creating a high quality, contemporary design solution". I bear in mind that the DAC have recommended the proposals and that English Heritage are also content with the design of the south extension.

21. I move now onto the fourth of the *Alkmund* questions: How clear and convincing is the justification for carrying out the proposals? As mentioned above, it seems that the needs of the parish in respect of the facilities and accommodation which they are seeking to achieve are broadly accepted as appropriate by everyone concerned in this application. The issue is rather one of how those needs should be met. It is the view of SPAB and the CBC that some of the required accommodation can be achieved within the existing church building, thereby enabling a reduction in the size of the south extension. Three particular suggestions have been made as to how this could be achieved.
22. Firstly, SPAB suggests that the east end of the south aisle (which adjoins the proposed south extension) could be used as a "kitchen and sitting/display area". Given the overwhelmingly positive response to the 'opening-up' of the south aisle by the removal of the obstruction of the 'temporary' vestry and sacristy facilities, it would seem a shame to dilute the impact of these changes by instead introducing the alternative facilities suggested. Additionally, SPAB suggests the moving of the Lady Chapel altar westwards by one bay to provide alternative vestry space.
23. Finally, the CBC suggests that rather than opening up the west door, the area under the west tower could be better used to provide a vestry or educational space. The parish is reluctant to lose this aspect of the proposed works. As well as providing an additional egress for concerts and the like, the opening of the west door will recreate the former processional route through the west tower. This aspect of the proposals is particularly noted as "very welcome" by English Heritage.
24. All three of these proposals would have the effect of reducing or 'closing-in' to a greater or lesser degree the main body of the church. As well as offering solutions which provide for much reduced accommodation, these proposals seem to counter the parish's intention of 'opening-up' the body of the church for worshippers and visitors alike. It is also very clear that the space within the proposed extensions has been designed with great efficiency. Almost every part of the extensions is to have a multi-purpose use; the clergy vestry is also to serve as a sacristy and archive reading room; the meeting space is also to be used for educational visits and interpretative displays, as is the choir vestry.

25. I note that the CBC's concern for the mass of the south extension is that it protrudes too far to the south, whereas SPAB suggests that the extension protrudes too far to the east. I note that if the structural limitations suggested by both the CBC and SPAB (namely the west wall of the east tower and the line of the south aisle) were to be imposed on the scale of this extension, the available space would be reduced by somewhere between one half and two thirds. Such a limitation would, in my view, provide inadequate accommodation for the parish's stated needs. I am satisfied that there is a clear and convincing justification for carrying out the proposals in the suggested form.
26. There is, of course, a strong presumption against proposals which adversely affect the special character of a listed building. Further, serious harm will only exceptionally be allowed to listed buildings of the significance of Wymondham Abbey. I have already stated that in my view any harm occasioned by these proposals does not amount to serious harm given the quality of the proposed works and the efforts made to minimize impact on the historic fabric of the building.
27. Bearing all of this in mind, I must, under the fifth of the *Alkmund* Questions, weigh up the harm caused against any resultant public benefit from the proposed works. Given its central role in the worshipping and civic life of Wymondham and its environs, the public benefit from the proposed works must be significant. I note that the funding obtained includes the cost of a Learning and Events Officer to be employed for the first three years. This should further maximize the potential benefit which these changes aim to produce. The liturgical life of the church will be enriched by the opening up of the processional route through the west door and through greater facilities to assist in the fulfillment of the church's musical tradition. The improved and flexible facilities will mean that the heritage value of the church will become more accessible to a greater number of people including, school groups, students of the archives, the disabled and casual visitors. Many more people will be encouraged to visit the church both for organized events and otherwise. In short, I am entirely satisfied that the public benefit to flow from these changes outweighs any harm which may be caused to the significance of the building.
28. I know that my decision will be disappointing to some, but I am grateful to all for the constructive approach which has been taken in this matter. The input of each of the consultative bodies has been a vital part of the development of this plan over the years. All that now remains is for me to wish every blessing upon this exciting project to the glory of God in the years to come.

In light of the above, I order that a faculty shall pass the seal on condition that:

1. Given the development of plans over recent months, no works are to be commenced until the petitioners have filed at the Registry a copy of a PCC Minute confirming the PCC's intention to apply for faculty permission for the proposed works in their current form.
2. The works shall be executed in accordance with:
 - a. the recommendations contained in the Bat Survey Report of agb Environmental Ltd dated 6 August 2012; and
 - b. the Archaeological Assessment and Mitigation Strategy of Dr Roland B Harris dated 30 October 2012.
3. The following aspects of the proposed works shall not be commenced until full details have been submitted to and agreed by the DAC:
 - a. The new storage area at the west end;
 - b. The new cupboards for the shop;
 - c. The new display units/interpretation panels; and
 - d. The reworking of the Lady Chapel.

In the event that there is any inability to agree such details the matter shall be referred back to the Chancellor for further directions.
4. Any surplus soil shall be re-deposited on consecrated ground.
5. The contractors shall be instructed to cease work immediately and notify the architect if any traces of wall paintings are discovered.
6. The electrical work shall be carried out only by an NICEIC approved/ECA registered contractor.
7. Cable routes shall be positioned and coloured sensitively and in accordance with the instruction of Henry Freeland.
8. Contractors shall be approved by Henry Freeland.

9. The works shall be executed under the direction of Henry Freeland;
and

10. The works shall be completed within 36 months of the issue of the
Faculty or within such extended time as may be allowed.

Ruth Arlow
Chancellor

26 July 2013