

**IN THE CONSISTORY COURT OF THE DIOCESE OF YORK**

**IN THE MATTER OF: ST MICHAEL LE BELFREY, YORK**

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**JUDGMENT**

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1. St Michael Le Belfrey (the “Belfrey”<sup>1</sup>) is a remarkable church. There are many reasons why this is so, but chief amongst them are its original design, its historical legacy, its location in York and the vibrancy of its community<sup>2</sup>.
2. A consultee, in its initial assessment of the proposed works, stated that the Belfrey is situated “...*in the shadow of York Minster*...”. Whilst it is correct that one of the striking features about the Belfrey is its geographical site - located in the historic Minster precincts, right next to the Minster itself - that description belies both the beautiful and striking appearance, and the independence and personality, of the Belfrey in its own right.
3. The Belfrey was built between 1525 and 1537, replacing a previous church that dated back to at least 1294. It is believed that the history of worship at the site extends well beyond that date too. It has a Grade I listing, making it a church of exceptional national architectural and historical importance. The description under the listing is a good starting point to follow the history of the building and (given its length) it is set out in full in an annexe to this judgment.
4. The Belfrey has played a significant part in the life of the Diocese, and indeed the national church, since the mid-1970s when the congregation of St Cuthbert’s, led by David Watson, outgrew their building and the parish was merged with that of the Belfrey. Over the last 50 years it has grown and strengthened to become a Resource Church for York Diocese and

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<sup>1</sup> The “Belfrey” is used as a shorthand for the church building, but also for the church family, as this is how it terms itself and is widely known as a community.

<sup>2</sup> Another interesting aspect is that Guy Fawkes was baptised in the church.

the Northern Province. The church family is a large, charismatic Christian community, with a gathered congregation averaging over 500 weekly worshippers. It has a strikingly youthful demographic and a significant student congregation. Its modern, vibrant, musical worshipping style and its contributions to church planting, leadership and Bible teaching are notable (these points are considered in more detail elsewhere in this judgment).

5. The creativity and vigour of the Belfrey community are also the drivers for the proposed reordering. The Belfrey's well-attended services and wide range of activities test the church facilities and are themselves impeded by aspects of the internal arrangements. Although the original 16<sup>th</sup> century design was for an open interior space, this was subsequently overlaid in Georgian and Victorian times by re-orderings introducing, amongst other things, the large, dark wood Georgian Gallery and accompanying Gothic staircases, and the fixed nave and aisle pews. The imposing and inflexible furniture is not conducive to free flow of movement. It inhibits access and restricts the way in which the church community can gather meaning that changing worshipping styles, and in particular the Belfrey's evangelical, contemporary approach and new programmes of outreach and engagement, are inhibited.
6. By way of a broad overview, the needs the Petitioners have articulated in support of the petition include important structural repair works<sup>3</sup>; a lighter, more spacious and inviting welcome; flexible use of internal space and capacity to seat over 550 people; facilities for full immersion baptism; new toilet facilities (including changing area and accessible toilets); accessibility throughout the church and high-quality AV and lighting facilities. These needs have led to the development of creative and ambitious plans, carefully evolved through many responsive iterations, but which contain radical and irreversible interior changes to important historic fabric.
7. The Petitioners seek a faculty for the following works:

- 7.1. inserting two new entrance doors at the west end;

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<sup>3</sup> Including to roof, bell tower, masonry and stained glass - with the exception of aspects of the proposals to the stained glass, there is no real debate as to the fact that these are required, as identified in the Quinquennial inspection.

- 7.2. removing the existing narthex screen and creating a new narthex with a servery and two wheelchair accessible WC cubicles;
- 7.3. removing the existing Gallery and staircases and replacing with a new gallery with lift access;
- 7.4. creating a flexible meeting space;
- 7.5. removing all nave and aisle pews and replacing with stackable seating;
- 7.6. replacing the existing floor with limestone flags, relocating ledgers and installing underfloor heating;
- 7.7. installing a hydraulic full immersion and wheelchair accessible baptism pool;
- 7.8. relocating wall memorials;
- 7.9. conserving the stained glass windows and introducing environmentally protective glazing (“EPG”);
- 7.10. installing air source heat pumps;
- 7.11. replacing internal lighting;
- 7.12. upgrading the AV system;
- 7.13. introducing a modular stage;
- 7.14. inserting an exit door at the east end;
- 7.15. introducing vestry, meeting room, kitchenette and WC facilities in 12 Minster Yard;
- 7.16. re-covering the roof;
- 7.17. carrying out external works and introducing floodlighting.

8. The works have been in the planning for well over 14 years<sup>4</sup>. There have been extensive consultations with the Church Buildings Council (the “CBC”), Historic England (“HE”), the Georgian Group, the Society for the Protection of Ancient Buildings (the “SPAB”), the Victorian Society and the Local Planning Authority (the “LPA”). The proposals have been amended and reworked in response to those consultations, and in response to the views of the DAC (which has been involved supportively and in great detail throughout), many times.

### **Documents**

9. Upon learning that there had been no objections under public notice and that none of the consultees intended to become party opponents I invited the Petitioners to let me know whether they consented to the matter proceeding on paper or whether there were oral representations to be made in this case, given the scale and potential impact of this application, despite the lack of formal opposition. I received confirmation that a paper determination was the Petitioners’ preference, a conclusion I ultimately agreed with.
10. The documents I have considered to prepare this judgment are extremely voluminous and have necessarily included the full history of the changing proposals. I do not consider it appropriate to lose time or lengthen an already overly-long judgment by either identifying the changes from time to time, or by listing the extensive range of documents and other materials (including the useful 3D Walkthrough video) I have had regard to. They are a matter of public record and the majority will have been the subject of exchange with consultees or available for inspection under the terms of public notice.
11. I am extremely grateful to the DAC, and in particular to the DAC Secretary and Church Buildings Adviser, for their great assistance and care in producing helpful means of navigating (including an invaluable table) the extremely extensive and dense documentation provided in support of this petition. I propose to limit my consideration so far as possible to the proposals as they are now (the 2023 proposals).

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<sup>4</sup> 2009 is the earliest date of formal consideration of plans for reordering on the present scale (DAC review) I have in evidence before me, but it is apparent that serious thought and planning was underway well before that time.

### **Site visit**

12. In addition to consideration of the documents I considered it essential to conduct a site visit in order to understand the church building, appreciate its quality and better visualise the extent and detail of the proposals *in situ*. I undertook the visit on 19 June 2023, accompanied by the Registrar and Registry Clerk, the Archdeacon and Church Buildings Adviser, observing all of the relevant case law rules as to the conduct of site visits, which were notified to all in advance, and I am very grateful to all of those involved in facilitating what proved to be an extremely useful visit.

### **DAC's involvement and Notification of Advice ("NoA")**

13. The DAC has considered these works extensively and in the most careful fashion at meetings over the past 14 years, forming a sub-committee to deal with the developing proposals as well as supporting the parish via site visits, advice and feedback. I have had the benefit of reading a detailed set of minutes of all of the DAC's meetings at which the evolving project has been discussed and that has proven to be of great assistance in understanding the development of details, large and small, in this ambitious reordering. The DAC's final meeting relating to the Belfrey was in March 2023 following receipt of consultation responses. It was agreed on a final basis that the petition would be recommended for approval subject to an extensive and carefully considered list of provisos, which I do not propose to set out here but which I have taken into careful consideration in reaching my conclusions in this matter.

### **Project costs**

14. The petition includes the current version of a fundraising campaign summary. The estimate of the costs of this major project comes in at £10 million, of which £8 million is already obtained or pledged. (In 2017 and 2018 two large and unexpected gifts were given towards the re-ordering of the building and these were the catalyst for the current ambitious plans.) Highly detailed, well-articulated fundraising plans, designed and overseen by the Belfrey's Fundraising and Finance Group, are in place for raising the balance. The project is well supported in the community and by parishioners, and great imagination and expertise has

gone into devising the steps for obtaining the remaining funding. I have no difficulty in concluding that the Petitioners will be able to raise the necessary funds for its completion.

**Public Notice, general consultation, the opposition of the amenity societies**

15. The proposals have long been considered to be controversial, given the scale of changes to the historic interior that the designs envisage. The Petitioners have conducted extensive and widespread consultation with the parish and community during the years this project has been in preparation (this process has been known as the “Impact Project”). An Impact Board, with delegated authority to oversee the project, was established early by the PCC. In 2018 the DAC formed a sub-committee (the “DAC sub-committee”) to assist the parish. Consultation – with, amongst others, the congregation, York Minster, amenity societies and specialist consultees, York civic and conservation representatives and other local stakeholders - has been laudably full and frank from the earliest inception of concept designs. Site visits have been offered and generously facilitated. Particularly taxing aspects of the proposed works have seen the design evolving from workshopping (such as the Gallery Design Workshop hosted with York Civic Trust in 2020) with careful extension of invitations to amenity bodies.
16. It is testament to the care that has been taken over this project, the collaborative, consultative process of evolving the design and the receptive, listening attitude of the Petitioners that the feared opposition has not, in the end, materialised to the degree anticipated. The public notice requirements have been completed and there have been no communications of objections.
17. There has, though, been strong opposition over time from consultees – both to the project as a whole and to specific aspects of it. Given this, and the given the scale and impact of the proposed works, I have taken the unusual step of preparing this extremely full and detailed judgment, despite there being no formal opposition to the project.
18. Some elements of objections are maintained (informally), other aspects have dropped away and the final position is that none of those consulted have elected to become party opponents. I do not consider that a detailed narrative of the history of the responses to the various iterations of the Petitioners’ proposals from The Georgian Society, the Victorian

society, the SPAB, the CBC and HE will enhance this judgment or assist the reader to understand the issues now for determination. I will set out and evaluate specific objections in the context of the relevant substantive parts of this judgment. For now, it suffices to say that I have sought to take great care in understanding the objections that have been raised and the observations offered throughout the development of the proposals in this case. The letters reveal the typical rigour, intellect and expertise of the specialist societies, as well as a fair and balanced appreciation of not only the Petitioners' aims but also their receptive attitude to critical feedback.

19. In broad summary, the position ultimately reached (by spring 2023) on the part of the consultees is as follows:

- 19.1. CBC: does not object;
- 19.2. HE: does not object, subject to certain matters being given more detailed consideration;
- 19.3. The SPAB: objects on the grounds of the extent of the interventions, irreversible harm and loss of significance, but elects not to become a party opponent;
- 19.4. The Victorian Society: objects, in particular to the loss of the pews allied to what it characterised as the “*almost total loss of the historic interior and its component parts*”, but elects not to become a party opponent;
- 19.5. The Georgian Group: strongly objects, in particular to the proposed removal of the existing gallery (the “Gallery”), Gothic staircases to the Gallery and the Gallery pews, but elects not to become a party opponent.

### **Analysis and decision**

20. Out of the exhaustive evidence and detailed objections before me, I need to be able to distil and assess the impact the plans will have on the building and the benefits to the mission and worship of the church. Careful evaluation using the *Duffield*<sup>5</sup> questions is designed to

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<sup>5</sup> *St Alkmund, Duffield* [2013] Fam 158; together with the guidance on interpretation of the *Duffield* questions given by the Court of Arches in *St John the Baptist, Penshurst* [2015] Court of Arches (Rochester) para 22 ff.

guide my decision-making and accordingly I have applied careful thought to this question using that framework.

21. The *Duffield* questions are (in summary) as follows: (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;* (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 the strong presumption against proposals which will adversely affect the special character of a listed building, will any resulting public benefit outweigh the harm<sup>6</sup>?*

22. In some circumstances it may be appropriate to consider reordering proposals holistically using the *Duffield* framework, assessing their composite impact on a church and perhaps simply evaluating the areas around which objection remains. However, in this case there have been (and remain) wholesale objections to the scheme, not merely to elements of it. Furthermore, it is widely recognised that the various elements of the proposals are deeply intertwined. Whilst I would generally deprecate an approach which might be considered to be overly detailed, I consider that in a proposed reordering of this scale and potential impact (the Victorian Society described it as “*probably the most comprehensive and destructive scheme of reordering of a Grade I listed multiphase church interior on which the Society has been consulted for many years...*”), in a church of the significance of the Belfrey, it is important to review each individual aspect of the petitioned-for works as well as stepping back to review whether, whatever the outcomes of each element, the impact on the building as a whole is justified, in each case addressing the *Duffield* questions. I have adopted this approach in this case. Inevitably, given the depth of work involved in this petition, the range of proposed works and the history and significance of some of the affected elements of the church, this has taken some time and has resulted in a lengthy determination.

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<sup>6</sup> In answering question 5, the more serious the harm, the greater 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 II\*, where serious harm should only exceptionally be allowed.



23. I consider the key to evaluating the proposal lies in starting with the changes proposed to the Gallery, narthex and West end. It is by the replacement of the Gallery with a newly designed and functional gallery, and the creation of flexible meeting spaces in the narthex, opening into the nave, that the objects of seating capacity, flexibility of use, openness, light, access and therefore welcome are said to be achieved. Starting with these elements, and dealing with each of the proposed elements of works, my assessment and determinations are as follows.

**Removing the existing Gallery and staircases and replacing with a new gallery with lift access**

24. The proposed works involve the complete removal of the Gallery, its balustraded Gothic staircases and fixed pews. These are amongst the most striking features of the church as it is presently configured. The retention of some late 18<sup>th</sup> century fabric makes it amongst the earliest galleries to survive in central York. Significance is assessed in greater detail below, but it is beyond question that the proposed removal would harm the significance of the church and represent a major loss of interesting and important historical features.

25. It is noted that, once the true significance of the Gallery and its associated structures was properly gripped, the petitioners have not shied away from confronting either the radical scope of the proposal in heritage terms, nor the difficulties that such losses present. After an initial assessment (based on professional guidance) of the significance of these features as “moderate” and dissent from that conclusion by several consultees including the CBC, the parish sought a second opinion from a further respected expert, Hugh Harrison, who conducted a survey resulting in a more nuanced assessment. Whilst not all elements of the architecture associated with the Gallery were considered especially important by Mr Harrison, his review nonetheless resulted (in summary) in an appreciation by the parish and all involved in this project that the Gallery and the staircases are of high significance.

26. In appearance, the Gallery is a heavy, dark and imposing structure which slices, visually, through the arches of the church but which also imparts something distinctive to the interior, in part by its heft and presence. The important Gothic staircases – the only means of accessing the Gallery – are in fact obscured from view by (later, 19<sup>th</sup> century) boarding. The staircases were described by HE as “crude” in appearance: a subjective appraisal but

one which might be felt to be fair nonetheless, albeit belying their importance. Certainly they are unpainted and unpolished (although I note that one particular artistic flourish feature stood out to HE as “unusual”, namely the ramped handrails finished with curly ends at the bottom). They are made from “construction grade” pine. However, Hugh Harrison balances his appraisal of the staircases in an important way, by pointing out that the “*crude*” presentation may in fact be as a result of the undoubted difficulties faced by the joiner in creating an “*open chinoiserie look in minimalist Gothic*”.

27. The Gallery and staircases were designed and constructed in c.1785 by William Belwood (an architect of national renown who was, by the time of his design for the Belfrey, working in his later years which are characterised by his Gothic designs). It was designed to replace an existing gallery, to house a new organ (subsequently relocated in 1883 and in more recent times passed on to another local church) and to accommodate the large numbers of attendees at a time when the preaching of Rev William Richardson was more than filling the church. However, it appears that the Gallery did not appeal to nineteenth-century congregations and two separate faculties to take it down have been obtained (one in 1853 and one in 1883). Neither was ever implemented, but Victorian-era modifications were effected, including the removal of the organ, the introduction of bench seating and the introduction of the fascia, which resulted in its present appearance.

28. In addition to the various features already referred to:

28.1. The rear pews on both south and north sides of the Gallery are pews made for children of the Blue Coat and Grey Coat Charity Schools in 1785 (the “Children’s Pews”) and appear to survive in their original form. Children’s pews of this kind are relatively rare survivals;

28.2. The Gallery fascia features the Royal Coat of Arms of Queen Anne, carved in 1712 and moved from the reredos and attached to the Gallery front in 1926. It is proposed that this will be relocated to the North Aisle Elevation.

29. The Gallery is no longer in regular use because it is not safely accessible. It is now an historic feature rather than being a practical element of the architecture contributing to the use of the church’s interior space by the congregation. The staircases suffer from a range of structural and compliancy challenges (identified in a condition survey conducted by the

woodwork expert Charles Taylor), in particular due to the lack of any landing, the variations in depth of risers and, by reason of multiple piercings as part of the construction, the fact that the staircases are inherently weak, and have open splits, which have not been capable of being fixed despite numerous attempts at repairs, are evident throughout the staircases. They present safety concerns to all users and are, in any event, wholly inaccessible by anyone with reduced or impaired mobility.

30. The proposals petitioned for are the removal of the entire Gallery, both of the twin balustraded staircases and all of the bench pews. Under the proposals, all of these elements will be disposed of, with as much being salvaged as possible<sup>7</sup>. The Children's Pews are treated differently in the plans and, it is proposed, will be carefully removed intact. Retention of these pews on site was carefully considered but ultimately proved to be incompatible with the Belfrey's missional needs. Significant effort has since been put in to attempting to relocate the Children's Pews, with ownership retained by the Belfrey, but that too has proven extremely difficult with rejections from the Blue Coats School and the Churches Conservation Trust. I consider the question of the future of the Children's Pews further below

31. Following these removals, a highly contemporary, raked gallery will be introduced, capable of seating around 110 people. The new gallery will be accessed by newly designed staircases and lifts. These are clearly 21<sup>st</sup> century in design, using lighter materials and incorporating much glazing, transparent elements and a curved glulam oak narthex, underside and sides. There has been significant work on the development of the design of the new gallery and its associated functional features. Close attention has been paid to the comments of consultees and the DAC has been deeply involved in the evolution of thinking and design across several iterations to reach the final version presented to this Court. In addition to correspondence, consultation and DAC input from 2018 to 2023, a "Gallery Workshop" - specifically on this aspect of the broader, ambitious design - was held in

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<sup>7</sup> In what I consider to be typically creative style, and with great diligence, a lot of time and energy has been exerted in considering how best to recycle, reuse or salvage joinery and fabric from the Gallery, Gallery pews and other church furnishings, including the nave and aisle pews. I am advised that a likely solution is to repurpose woodwork as furnishings that the congregation will buy. This will involve a variety of approaches, including shortening and strengthening pews, using remaining wood for panelling, tables, stools etc. The benefit will be keeping a sense of continuity with items going to members of the congregation whilst also generating income towards the project.

November 2020 and HE and SPAB attended and contributed to that event. I note that the Georgian Group did not take up the invitations extended to it.

32. The original design showed a U-shaped design with new balconies extending down both aisles. The aisle balconies have been removed during progression of thinking about the impact on the interior. The design of the lift has been changed numerous times so as to become as light weight as possible and to ensure that the design is symmetrical across the space. The height of the middle section of the gallery has been reduced and the lower section lifted, for example, so as to ensure that the chancel is more visible. The proposed gallery seating space is flexible, incorporating retractable bleacher seating, allowing for creation of a further informal meeting space as necessary. Discreet but large-capacity storage space is introduced through the design of the new gallery, both on the first floor and under the staircases. The proposed balustrade by the lift has been given careful thought, considerably slimmed down so as to be minimally intrusive. Initial, very open, balustrade designs were rejected after consultation with Disability Action Yorkshire because such designs present potential difficulties for those with visual impairment and learning access needs. For these reasons, which are in my view persuasive and important ones, a more solid design has been preferred. Similarly, although the lift design features a clear, fully glazed appearance, for the same accessibility reasons it has been most carefully designed to include a solid, distinct “landing” space.

33. Consultation over the course of the evolving designs has produced the following comments on the proposed loss of the Gallery, staircases and fixed pews, and the introduction of the proposed modern gallery:

33.1. The CBC: has been overall encouraging about the plans for the Gallery. Although in its initial letter of 12 December 2019 the Council considered that further specificity as to use was needed in the Statement of Needs in order to justify the replacement of the Gallery, nonetheless the design detail of the proposals, even at that stage, was received relatively positively. It was acknowledged both that the existing Gallery cuts across the exceptional sixteenth-century arches and that the plans for a replacement Gallery had been carefully drawn with the intention of minimising the impact on historic fabric. In its later letter (12 July 2021) - by which time there had been development of the design and a significant revision by the parish of its

assessment of the Gallery's significance (resulting in a change of estimated significance from "moderate" to elements of "high significance"), with further work having been done to address the issues of need raised by the CBC - it agreed that "*on balance...[the loss of the Gallery] is necessary for the parish to have a scheme that will deliver its needs.*" The Council disagreed with the views of one of the amenity societies that it would be preferable for the Gallery to remain and the church to worship in another building, noting the intertwinement of funding for essential works with continuation of use, and observing, pragmatically, that "*it is difficult to imagine a future use that would not require loss of some elements of the present historic fabric*". A final, specific, observation from the CBC was provided as to the final iteration of designs for the new gallery, namely that any scope to soften the impact of the soffit of the gallery would be welcomed;

33.2. Historic England played an active part in the development of the proposals, providing feedback, analysis and expertise over the course of long correspondence, including meetings, emails and phone calls from early 2019 onwards. HE has fairly observed that the evolution of the new Gallery design has resulted in improvements at each reappraisal and stage of design. However, it has also consistently expressed concern over the principle of the loss of the Gallery, and in particular the rare Gothic balustraded staircases. Whilst acknowledging both the work that the parish has done in exploring options and the extent of alterations (and with that, inevitable harm to significance) that would be required in order to render the Gallery and staircases compliant with current standards, it appears to me that HE's preference would have been for greater retention of these elements within the scheme of design ultimately proposed;

33.3. The Georgian Group's written advocacy made a significant contribution to the reassessment of the significance of the Gallery, its surviving pews and staircases, from "moderate" in the initial stages of the proposals, to "high significance" in the final iteration submitted with the petition, following additional advice on the age and significance of the Gallery and its associated features from the expert Hugh Harrison. However, the Group remains of the view that even that assessment underplays the real significance of these features, and that the rarity of the Gothic balustraded staircases, in particular, renders them of exceptional significance. The loss of the

Gallery, staircases and late eighteenth-century fixed seating would, it says, cause substantial harm to the significance of the church. The proposed mitigation of harm by relocating the rare Children’s Pews to an alternative location is not, the Group argues, in fact a mitigation at all because de-contextualising these pews robs the church of an important component illustrating its historical development. In sum, the Group strongly recommends the retention of the Gallery, stairs and Gallery pews *in situ* and strongly objects to the proposals to remove and replace them;

33.4. The Victorian Society’s focus is, understandably, on the proposed loss of the pews in the nave and aisles and no specific observations are provided in relation to the Gallery or its associated features. However, the Victorian Society expresses concern at the comprehensiveness of the loss of historic fabric and the treatment of the building as “*little more than a shell*”;

33.5. Similarly, SPAB, whilst deferring to the specialist expertise of the Georgian Group on this aspect of the proposals, wished to “*register its deep concern and regret*” over the extent of the loss of Georgian (and, elsewhere, Victorian) interior fabric under the proposals. In its final letter in response to the proposals, SPAB observed that the final iteration of design for the new gallery included an increase in size, and that it was unclear why that was necessary or how it was justified.

#### *Duffield assessment*

34. It is clear that the proposed loss of the Gallery, Gothic staircases and fixed pews is contentious, raises issues of great importance and is a focal point of significant tension between the impact the plans will have on the building and the benefits to the mission and worship of the church on the other. I have applied most careful thought to this question using the *Duffield* framework<sup>8</sup>.

**Question 1: Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?**

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<sup>8</sup> Because of the centrality of the proposals regarding the Gallery area, some of what follows below is of broader application to the proposed works and, to avoid duplication, I have dealt in a full way with a range of issues here which are then capable of being cross-referenced elsewhere in the judgment.

35. It is incapable of dispute that the answer to this question is “yes”. Even without the necessary consideration of what is the special architectural and/or historic interest of this listed church, it is worth marking that there is simply no dissent from any quarter that harm will be caused to that significance by the loss the Gallery, staircases and Gallery pews.
36. Considering this question more deeply to understand the reasons why there is such consensus is nonetheless necessary, as it enables proper understanding of what will be lost if the plans are implemented, and assists in framing and evaluating the national significance of such a step, if approval is given.
37. In this case the starting point for consideration of the proposals relating to the Gallery (as well as to other aspects of the proposed changes considered separately later, which should also be evaluated by reference to this starting point) is that this is a grade 1 listed building with what is universally acknowledged to be exceptional architectural and historic interest. Not only its exceptional location, immediately adjacent to York Minster, and its low-but-large, elegant and unusual exterior contribute to this (this is a building that was completely re-designed in the early 16<sup>th</sup> century incorporating some earlier fabric, and the exterior demonstrates a “perfect” adoption of perpendicular style architecture), but also the way in which the interior has developed over centuries, changing to meet the times, laying down multi-layered interest and leaving a rich architectural legacy. Some individual features of the interior are particularly notable and are of special architectural and aesthetic importance. Two specific examples out of many significant interior features are the early 16<sup>th</sup> century stone arcades and the glass windows in the church, which includes highly unusual Medieval stained glass in the chancel east window (dating from the mid-14<sup>th</sup> century and featuring a panel depicting the martyrdom of Thomas Becket). There is also significant importance derived from the evidence, and interaction, of a great many phases of interior alteration and reordering.
38. It is the overall architectural character and spatial qualities of the interior which are widely regarded as chief amongst the numerous significant features of this church and it is arguable that these may be considered the focal point for defining its character<sup>9</sup>. In particular, its basilical plan of undivided nave and chancel flanked on either side by aisles which extend

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<sup>9</sup> The “rectangular form with no separation of nave and chancel” is commented upon by Pevsner.

the full length of the interior, with interest added from slender 16th century arcades of particular beauty, is striking. This open interior has been largely maintained as conceived in the early 16<sup>th</sup> century and within this context the dark wood over-hangings and pew arrangements of later Georgian and Victorian additions have layered on to the open interior concept in a way which adds a rich new layer of history, but also runs counter to the aesthetic conception of the original scheme. The observations of HE have been particularly helpful in drawing out the defining role of the experiential qualities and configuration of the interior. It is interesting - and relevant - that a feature of the proposed reordering as a whole restores and emphasises the original 16<sup>th</sup> century spatial qualities.

39. Within this context, the Gallery, balustrade staircases and the replacement 19<sup>th</sup> century Gallery fascia make an impactful contribution, particularly to historical significance.

40. It is said in the Statement of Significance that the architectural significance of the Gallery has been compromised by successive phases of alteration and there is in my judgment no meaningful demurral from this assessment<sup>10</sup>. The 1785 rebuilding of the Gallery by Belwood has been retained in part (notably some benches, side panels and stairs), but much was changed in 1885-1886 when the organ was removed and the narthex screen and gallery front was added. It appears to be fairly widely accepted that the addition of the late 19<sup>th</sup> century screen rendered the Gallery architecturally and aesthetically intrusive as it cuts across the exceptionally significant 16<sup>th</sup> century arcades.

41. However, the historical elements of the Gallery are less vulnerable to criticism. The retention in the Gallery fabric of some late 18<sup>th</sup> century materials makes this amongst the earliest galleries to survive in central York (and only four Medieval York churches acquired galleries in the late 18<sup>th</sup> and early 19<sup>th</sup> centuries). The shape and plan of the Gallery is also historically interesting and significant. The staircases are singled out as “*remarkable survival[s]*”<sup>11</sup> with the Georgian Group’s Casework Committee knowing of no other surviving examples of their kind and regarding them (at least in their 2021 correspondence) as of exceptional significance. The independent expert Hugh Harrison does not entirely agree with the idea of exceptionality (assessing their significance as “high”), but observes

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<sup>10</sup> Notably the Georgian Group, as the body with the most direct interest in this aspect of the works, does not analyse the successive changes, nor their impact, in any detail.

<sup>11</sup> The Georgian Group email 21 January 2020



that “...*this is a masterpiece of construction which would require unconventional jointing...*”

42. Mr Harrison’s report<sup>12</sup> also assesses the structures associated with the Gallery including the seating, the boxing in of the stairs and the narthex screen. As to the Gallery seating, Mr Harrison indicates significance due to the story it tells of the Gallery when built and also due to the rarity of original seating, whereas he is relatively dismissive of the boxing - in and the narthex screen as not of great importance and of inconsequential design.
43. Taking all of these factors into the round, it appears to me beyond question that the deconstruction and removal of the Gallery, the staircases and the fixed pews – in particular these being steps which are permanent and irreversible - will harm the significance of the church, in particular in an historical sense through the loss of irreplaceable and rare historic fabric, “...*a primary source from which knowledge and meaning can be drawn...*”<sup>13</sup>, and through the loss of the contextual, historic ‘story-telling’ dimension which the presence of these elements contributes to the church interior as it is presently arranged.
44. The proposed intact removal and attempts to relocate the Children’s Pews potentially offers some mitigation in terms of the continued availability, rather than the permanent loss, of historic fabric. However I agree with the views of the Georgian Group<sup>14</sup> that in fact the degree of relief of the harm to the significance caused by the removal of the other Gallery elements is minimal because (i) the Children’s Pews are one small element out of the much greater picture of loss; (ii) there is likely to be a very significant impairment of meaning, feeling for and appreciation of the pews once they are taken out of their context (that is not to say that they will be entirely stripped of their evidential and aesthetic value or interest, but certainly the capacity to understand the pews will be significantly reduced) and (iii) the preferred option of the church is not to retain the pews within the envelope of the redesigned church, however identifying a willing target destination for their relocation is proving very difficult.

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<sup>12</sup> Which also expresses its limitations as to the ability to accurately date all sections of the Gallery and associated structures.

<sup>13</sup> SPAB letter of 31 January 2023

<sup>14</sup> Letter of 8<sup>th</sup> January 2023

45. As to whether there will be harm to significance caused by the introduction of the new works, i.e. the proposed modern, largely transparent new gallery, lift and staircase arrangement, I agree with the analysis of HE that this will substantially change the character and the way in which the interior of the building is experienced. It is also noted that the proposed gallery is large in size, protruding further into the nave than the existing Gallery, and also that the new raked gallery partially obscures the central west window when viewed from the chancel.

46. However, a change in the way a building is experienced is not necessarily harmful to its significance and in this case the design has been extremely carefully evolved to be both sympathetic and distinctly modern, reading clearly as a new 21<sup>st</sup> century layer. This, in itself, in my judgment, makes a valuable contribution to the developing history of the church. Furthermore, other features of the existing building will, I find, be complemented or protected by the design:

46.1. The proposed new work is sympathetic to the interior (for example the design of the new gallery follows the curves of the west end window arches and improves the view, from the west to the east end, of the beautiful Reredos);

46.2. The design has been evolved to produce as physically independent a structure as possible, with minimal ties to the existing fabric;

46.3. The new gallery's design minimises the extent of the seating area to within the nave, which improves the legibility of the exceptionally significant and beautiful stone arcades;

46.4. The lift (and associated storage elements) have been reduced in height in the designs in order to allow the existing stained glass windows to the north west and south west corners to be unobstructed and allow them to be read as part of the church's important historic stained glass window collection;

46.5. Significantly more light will be allowed into the interior of the church under the new design than is presently possible in the presence of the dark and heavy structure of the existing Gallery, allowing the interior to be seen more clearly than at present;

- 46.6. Careful work with an archaeological consultant has produced designs which minimise the impact on any below ground archaeology;
- 46.7. In respect of the CBC's question regarding the potential to soften the impact of the soffit, I am satisfied that the architect's response<sup>15</sup> shows that sufficient thought has been given to the impact on the interior, that the design elegantly answers a number of practical needs (including those relating to acoustics and storage) and that the form and finish of the soffit design as it stands is appropriate in the context of the reordered space.
47. The foregoing factors lead me to the conclusion that there will be some limited harm (principally as a result of the partial obscuring of the west window from the chancel), caused by the proposed new works when considered in isolation from the removal of the existing fabric.

**Question 3: If the answer to question 1 is "yes", how serious would the harm be?**

48. The starting point for answering this question must, once again, be the fact that this is Grade 1 listed church of exceptional importance, having particular regard to the defining core of its character architectural character, which I have assessed as relating (in particular) to the spatial qualities of the interior, and paying attention to other major contributors to character, including the layers of history which have followed since the church was originally conceived. In my judgment, changes as historically and architecturally impactful as these, on a historically layered interior of a church of this grading, are almost inevitably likely to fall within the upper echelons of seriousness.
49. Some assessment of the level of significance of the Gallery, Gallery pews and Gothic staircases has been referred to above. Hugh Harrison's report, in particular, is very helpful in its breakdown of each element and his grading of the significance of the various items by reference to his assessment of the items in their context from various standpoints

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<sup>15</sup> I.e. (i) that the curved soffit follows the rake of the upper fixed bench seating whilst also accommodating the housing recess for the retractable seating. Aesthetically the curve is elegant and also reflects the profile of the arch of the arcade and stained glass windows; (ii) the oak to be used presents the gallery as a whole and distinguishes it from its surrounding fabric; (iii) the open slatting to the soffit answers a need to attenuate entrance space noise.

(including historical context, materials, workmanship, quality, rarity, interest and assessing this against his experience and expertise in the field of church galleries). He concluded as follows as to significance: Gallery: high; stairs: high; Gallery seating: moderate to high; woodwork boxing in the stairs: low; narthex screen: low.

50. In its email of 21 January 2020 (pre-Harrison Report) the Georgian Group took issue with all of the formal assessments of significance available at that time, and characterised the Gallery, surviving pews and staircases as of “exceptional significance”. However, I note that the Group’s assessment (contained in its email of 21 January 2020) placed great reliance on its opinion of the significance of the architect William Belwood and did not address in any depth the impact of the numerous changes to Belwood’s original Gallery that have taken place since. It is further noted that in its subsequent letter of 8 January 2023 the Group changed its position and agreed with Mr Harrison’s assessment of all of the gallery and staircases as being of “high significance” rather than exceptional significance. (NB The Georgian Group also said that it agreed with what it characterised as Mr Harrison’s assessment of the Gallery pews as being of “high significance”, although I note that in fact Mr Harrison identified these as being of “moderate/high significance”, ascribing their importance to their story-telling value and the rarity of their completeness).

51. Other factors contribute to the assessment of the significance of the Gallery and staircases and the extent of the harmful impact of their loss, including the fact that the proposed changes will permanently and irreversibly result in the loss of rare historic fabric and that the scale of the proposed changes is very significant, with an immediate and obvious impact on the internal space and appearance of the church.

52. Pointing in the opposite direction in terms of assessing significance are the following :

52.1. The existing Gallery cuts across the rhythm and visibility of the 16<sup>th</sup> century arcades and the west window and imposes upon the open 16<sup>th</sup> century configuration which is arguably at the heart of this church’s special character;

52.2. There is also the fact that the staircases are not safe or accessible to use and that the Gallery is similarly limited, such that these large areas of the church interior are no longer in practical use in this very active and vibrant church;

52.3. The staircases and Gallery would be impossible to repair<sup>16</sup> to a state which is sufficiently safe and compliant with today's standards to fit them for use without fundamentally losing potentially significant historic fabric and, inevitably, something of their character. In weighing this consideration I have had full regard to the fact that it is not necessary for the staircases to be compliant – they could potentially be retained in non-compliant form simply contributing to the historical and architectural significance of the building, as other retained fabric will do, by their history and interest rather than their practical utility, although I consider that to do so would inevitably raise insurance issues for the church given the possibility that they might be used despite their safety issues. It would also give rise to highly significant space and capacity issues in the context of the remodelled interior;

52.4. There have been two previous (historic) faculties for removal of the Gallery before;

52.5. Some important commentators (in particular Pevsner) do not mention the Gallery or staircases at all in work on the church interior.

53. Taking account of all of these factors I consider the degree of harm that would be caused by the proposed removal of the existing Gallery and staircases to be serious, although not exceptionally so.

54. It may be artificial to consider the degree of harm that would be occasioned by the construction of the new designs separately from the overall harm that would be caused by the removal of the existing structures since it is impossible to conceive of or execute the new designs without the loss of the old. However, to the extent that it is relevant - and given that I have noted that there is an appreciable, albeit limited, self-standing degree of harm detectable in the scope of the new designs of themselves (in particular by the partial obscuring of the west window when viewed from the chancel) – I am satisfied that the degree of any such additional harm is low in comparison to the harm occasioned by the removal of the existing structures, as the impact on the interior has been extremely carefully

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<sup>16</sup> As I find it, and it is not disputed in the papers before me.

managed through design and consultation to minimise impact on those existing features which remain under the plans, and indeed the designs offer much which will complement and highlight important existing features of the interior.

**Question 4: How clear and convincing is the justification for carrying out the proposals?**

55. The elements comprising the justification for the proposals to the Gallery, staircases, pews and the introduction of the newly designed features are as follows:

55.1. A priority on the part of the parish to create flexible interior space to properly service existing needs based on current offerings and programmes led by the church. The evidence for this is as follows: an ambitious, but clear, stepped and targeted “5 Year Road Map” (the “Road Map”) has been produced by the church. The Belfrey’s strong existing reputation, great success as a thriving church in the Northern Province, its foundations in evangelical work and its modern, charismatic approach leaves one in little doubt that the targets are potentially achievable, given the right setting and physical base from which to work. However, as a Resource Church with a large, thriving congregation, occupying a place of importance both in the Northern Province and nationally, the Statement of Needs and the Road Map illustrate a need for greater opportunity for expansion of initiatives. This requires, I find, improvements to facilities and flexibility of space. The following activities are identified (by way of some examples) as either unable to take place because of, or inhibited in scope by, a lack of flexible<sup>17</sup> space, suitable hospitality zones, welcome areas or a combination of these factors: Messy Church; quiet contemplation, counselling and prayer (this does take place, but increased suitable spaces will correspondingly increase opportunity for this to take place suitably and safely); prayer ministry (currently only during or after services and only available in the open space of the chancel); provision of café offerings of any meaningful duration and comfort; services in the round; large scale communion services; variety and flexibility of fellowship and forms of worship; community services/acting as a city centre hub and signposting service and further development of social action (currently possible but likely to be

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<sup>17</sup> i.e. suitable for both large, open gatherings and smaller, discretionary meeting spaces.

greatly enhanced by flexible meeting spaces); hosting of large scale conferences; Alpha courses; development as a training centre. Given its importance as a Resource Church and its importance to the York student community, the impediments to hosting in this way are problematic. All of these (and other areas identified in the Statement of Need and not gainsaid by any consultee) would, I find, either be made possible or enhanced by the development of flexible space. The way in which this well evidenced need is addressed through, in particular, the proposed loss of the existing Gallery structures and their replacement with modern designs is considered below;

55.2. A need to reduce congestion and improve significant movement and safety within the building. The evidence for this is as follows: the parish has explained that there is significant congestion in the narthex, especially during the crossover between the 9am service and the 11am service, which attracts many families with prams and pushchairs, with the presently configured design giving rise to bottlenecks. The 6pm service also often has queues outside. During Communion, congregations have to funnel up to the front and down the sides. Large seasonal events are frequently seen to result in lengthy exit times and managing intervals during concerts is difficult. A Wednesday café following a lunchtime service is very congested and results in queues to get sandwiches, restricted access to tables and regular queues for the (non-accessible) toilets. These issues plainly require a thoughtful re-design of the narthex and the ground floor space of the church. The revision to the Gallery area is not the complete answer but the parish nonetheless argues, and I agree, that the proposed Gallery works play an absolutely pivotal role in the way in which such design needs are able to be addressed. This is considered below;

55.3. A priority to retain the capacity to seat over 550 people within the church. The evidence for this is as follows: by increasing and diversifying worship opportunities, expanding the church's programme and delivering new initiatives under the Belfrey's 5 Year Plan it is considered likely that the existing weekly user numbers will double from 1000 per week to 2000 per week over the course of 5 years. The level of detail of the 5 Year Plan and the evidence of previous success in growing and maintaining a strong, vibrant and loyal church

community render this outcome, in my judgment, realistic. Accordingly, accommodating an increasing number of attendees is a well-evidenced priority for this church and it is argued that the Gallery plans are essential to achieving that;

55.4. A need to increase accessibility in all its forms throughout the building, including the gallery. The evidence for this is as follows: The petitioners argue that the existing ground floor of the church is uneven and presents a trip hazard (it is currently necessary to use white paint on the floor in an attempt to flag up areas of particular unevenness). They provide evidence of falls, trips and bumps. The pewed interior is inaccessible to wheelchair users and the collegiate doors present a safety issue (evidence is provided of fingers trapped in the pew doors). The existing Gallery is uneven in the seating area, inaccessible to anyone with mobility issues and presents safety concerns via the staircases (trips and accidents are reported in the Statement of Needs). In sum there is a clearly evidenced lack of accessibility throughout the church interior (and there is no dissent from this from any of the consultees). The way in which the well evidenced need to improve this position is addressed, in particular through the proposed loss of the existing Gallery structures and their replacement with modern designs, is considered below;

55.5. A need to improve facilities and provide a spacious and inviting welcome to the church (given the church's unusual location, its proximity to York Minster, high footfall of tourist and visitor traffic and extensive programme of city centre and community-based events featuring the extension of warm hospitality by the church, this "improvement of welcome" need encompasses the improvement of existing café services and toilet facilities). The evidence for this is as follows: the location of the church and its success as a charismatic worshipping community means that it is a well-visited building, but the evidence before me indicates that the average length of visit (other than from those coming to worship or attending an event) is only 10 minutes; the west end entry point and currently configured narthex is argued to be dark, brooding and uninviting, in need of replanning in order to render the entrance area more welcoming; in tandem with increasing footfall and interest, the 5 Year Plan postulates an



expansion of events, programmes and services, including those offered to the York community through its Social Action programme. All of these roles, it is argued, require improved facilities (especially catering and toilets). This need, too, is in my view well made out on the papers before me and the way in which this potentially relates to proposed changes to the Gallery and staircases, in particular, is considered below.

56. Presumably envisaging the possibility that it might be argued that at least some of these needs might be accommodated (albeit in a compromised, less attractive and less efficient way) by some new and improved ground floor facilities at ground level but with the present Gallery remaining in place, the CBC encouraged the parish to explain why it is “essential” to remove the Gallery, gallery pews and staircases. With respect, I do not consider that this is applying the correct test under *Duffield* and *St John the Baptist, Penshurst*, whereby justification short of “necessity” is permitted (paragraphs 85-86 of the Court of Arches’ judgment in *Duffield*).
57. Nonetheless, in this case the parish has produced evidence which, in my judgment, does support a true need for the wholesale removal of the Gallery, Gallery pews and staircases.
58. In particular, the needs articulated by the petitioners are amply evidenced (and, I find, made out) in the papers before me, as I have found and set out above.
59. I find that the parish has clearly shown that creation of flexible space, improvement in flow and accessibility and an increase in the area of hospitality and welcome zones hinges on interaction between space to be created in the nave, the alteration of the west end, redesign of the narthex and the proposed new gallery. The internal designs for the re-ordering project deliver an enlarged welcome area, create a large and flexible floor space which can incorporate meeting space and support maximum capacity events, and incorporate a café zone and accessible toilets. However, these aspects will result in the loss of a significant proportion of ground floor seating area, such that only around 460 people, at most, could be seated if sufficient flexible space is to be achieved. It is identified as a key priority for the parish to maintain (or improve upon) its existing seated capacity, and indeed this is in

line with the predicted doubling of weekly users<sup>18</sup> to over 2000 per week over the course of the next five years as a result of the church's impressive Road Map and aspirational plans for further development of its missional reach.

60. At this point it becomes clear that the replacement of the Gallery is, as the petitioners describe it, the “foundation design” of the plans because it frees significant ground floor space whilst also providing additional seating for 110+ further people without impingement upon the flexible space or the various café, toilet, welcome and meeting zones needed in the reconfigured west end if the church is to achieve its aims. If these new areas were to be created simply by redesigning the narthex and reconfiguring ground floor in the west end whilst leaving the existing Gallery and staircases in place, the crucial aim of ensuring capacity within the church would not be met.

61. Similarly, the retention of the staircases within the context of the reordering has been explored, as urged by the Georgian Group and encouraged by other consultees. However, it was concluded (and I agree with this assessment) that if they were to be retained within the redeveloped building, the impact on seating arrangements would mean the reintroduction of extra seating in the aisles which would significantly reduce the ability of the parish to achieve its aims. Without setting out in detail all of the material before me illustrating the collaboration, discussion and thought that has gone into reaching the final iteration of design, it suffices to say that I am satisfied that consideration of this type has occurred throughout the process to an exceptional degree, including appraisals of different options for retention of fabric and elements relating to the Gallery and staircases.

62. Retention of the existing Gallery, fixed seating and staircases are simply, I find, non-viable as a means of providing the seating needed by the parish. As the CBC put it in the course of concluding that “...on balance [the loss of the present Gallery] is necessary for the parish to have a scheme that will deliver its needs...”: “...The gallery contains a substantial amount of seating but it is not a practical space to keep in use as part of the reordered church. Level changes in the gallery are greatly in excess of those you would expect to see as part of the raked seating. The stairs would require significant adaptation to be compliant with fire safety requirements and rationalising the floor levels would erode further the historic material...” I agree with the assessment that it would be impossible to effect

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<sup>18</sup> See Statement of Need p20.

sufficient changes to the Gallery and staircases without denuding them of the very character, historic fabric and interest which consultees seek to preserve and I am in any event not satisfied that any such changes could, in fact, be practically achieved in a way which sufficiently recognised and gave effect to adaptations needed to ensure that the Gallery was rendered accessible to those with different needs.

63. In addition to being essential to addressing the crucial capacity issue and providing a foundation for the expression of other needs in the redesign of the ground floor (west end in particular), the modern sensibilities and detailed design features of the new gallery, lift and staircase design (e.g. accessibility features of the lift and staircase; the retractability of the new gallery seating to create informal meeting space; the existence of a designated safeguarding space within the new gallery) themselves also directly contribute to the parish's objectives. In particular, increasing flexible space to enable fully accessible, practical use of the entire space within the church would simply not be achievable by leaving the old structures in place. These are improvements producing practical results which provide further justifications for the proposed replacement of the old with the new.

64. It follows that I am satisfied that the petitioners have, to a very high degree of clarity and cogency, justified the carrying out of the proposals in respect of works to remove the existing Gallery and staircases and their replacement with a new gallery with lift access. I have concluded that, in order to achieve the seating capacity whilst sufficiently remodelling the west end to achieve the parish's objectives, such removal is in fact essential.

65. However, even if I am wrong in my assessment that this evidence supports a true "necessity" for the plans, I do not need to be satisfied to such a high degree. I am, in any event, satisfied that the justifications for the proposed removals and replacement works are powerful, clearly made out, well evidenced and cogently linked to the parish's needs, such that question 4 of the *Duffield* questions must be answered: "very clearly and cogently".

**Question 5: Bearing in mind that there is a strong presumption against proposals which will adversely affect the special character of a listed building, 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?**

66. In answering question 5, Chancellors must take into account that the more serious the harm, the greater 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 grade I or II\*, where serious harm should only exceptionally be allowed.

67. The question of removal of the Gallery and staircases from the Belfrey interior flags all that question 5 of the *Duffield* identifies as warranting special consideration. I have concluded that the harm to significance likely to be caused by their removal will be serious, and therefore I need to be satisfied both that the level of benefit that flows from the proposed changes is great enough to justify that, and also, given the combination of grade I listing and serious harm, that this is a case of exceptionality.

68. For the reasons I have explored above, I accept that the removal of the Gallery and staircases is intrinsic to the successful remodelling of the ground floor west end and narthex spaces, and indeed to the creation of the open, flexible interior spaces in general. The benefits of being able to achieve this, as I find them (based on the unchallenged evidence before me), are these:

68.1. By enabling the ground floor re-modelling enabling different configurations of seating and occasional clear ground-space, plus by offering fully accessible additional seating space and further flexible, and suitably safeguarding-compliant meeting spaces above ground, the parish will be able to offer: prayer stations and prayer ministry; Communion stations; church in the round; a café zone (encompassing community café provision, café church and a meeting place); Wednesday service and fellowship lunch; Messy Church; Senior Club; central York community services including to the disadvantaged in partnership with charities through growth of the Belfrey's Social Action programme; large-scale seasonal services; large services for weddings, baptisms, funerals and guest speaker services; Alpha courses; conferences; training and leadership courses in line with the Belfrey's Resource church status and its well-developed influence in this area; cultural events; Sunday children's groups (currently unsatisfactory arrangements are in place, with children walked off-site to alternative accommodation elsewhere, posing obvious safeguarding issues). These are either services which are currently unavailable or which are offered but have been impeded in execution or expansion

due to the present configuration of the church. The benefits are numerous and significant across the growth and leadership of the Belfrey, missional benefits, worshipping benefits to the congregation and advantages which flow to the wider community;

- 68.2. An important consideration when assessing significance and impact under the *Duffield* questions is the location of the church, and in this case the Belfrey's unusual location adjacent to York Minster also provides, in my judgment, a further public benefit of the proposed reordering (as made feasible through the loss of the Gallery and staircases), namely the ability to offer support and complementary services to the work of the Minster itself. Three examples evidenced before me are the possibility of working in a complementary way around large seasonal services, the possibility of hosting conferences and training alongside the Minster and the ability to offer facilities (café, toilets, quiet prayer and reflection) in a smaller scale, adjacent setting;
- 68.3. Through the foregoing specific public benefits comes a further Diocese-wide benefit of sustaining and growing work towards a York Diocese priority, namely "*Reaching people we currently don't*"<sup>19</sup>. The Belfrey's strong Bible teaching, contemporary style of worship and its reputation, combined with its young congregational demographic deliver this priority in spite of the existing limitations on space and facilities and I am satisfied on the papers before me that this work would be enhanced and developed by more suitable accommodation;
- 68.4. In the same vein, there will be considerable public benefit flowing from the realisation of the Belfrey's well-articulated 5 Year Plan via the physical platform of a suitable, modern base. Enabling this to happen has a wider significance for the Church of England, particularly in the Northern Province;
- 68.5. Accessibility throughout the church building is currently extremely unsatisfactory. The improvements which will be achieved both by the ground-floor remodelling facilitated by the removal of the Gallery and staircases, and by the design of the new gallery, lift and staircase themselves, correctly gives equal prominence to

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<sup>19</sup> York Diocesan Vision: Living Christ's Story (refreshed 2021)

those with physical access and learning needs and counts as an important public benefit;

- 68.6. There are also aesthetic and architectural public benefits inherent in the removal of the Gallery and staircases. One aspect of the removal of this furniture will be the return of emphasis to the interior appearance as originally conceived in the early 16<sup>th</sup> century. (It is, of course, not a complete reversion and the enclosed spaces in the re-designed west end compromise that to some degree. However, reproducing the original space is not the aim, and in any event the service and usage goals the church has defined cannot be achieved through a purely open space, particularly given modern compliance requirements. There is therefore an inevitability that enclosed spaces form important parts of the updating of the church and there has been so much careful attention and compromise in the design, and great deployment of movable and transparent features, that those specified are well within acceptable limits.) The DAC, during its extensive and exceptionally careful attention to the development of plans by the Belfrey over the course of over 14 years, has from time to time had regard to the 2006 PHD thesis of Anthony Masinton (“Sacred Space: Perception and the Presence of God in Late Medieval Yorkshire Parish Churches”). Parts of the thesis have proven helpful in understanding aspects of the medieval configuration and details of the church. The following, in particular, describes the vision of the church’s early (1525-37) renovation, which marked a move away from chantry chapels and emphasis on the spoken word: “...*St Michael le Belfrey was adapted to become more and more of a theatre. Akin to theatre is preaching, always important in the Middle Ages, but with growing emphasis placed upon Scripture itself, preaching as a necessity grew in importance. Fundamental to preaching success is visibility and audibility. The renovated St Michael le Belfrey accomplished the first better than any church in the city. The focus of the space had moved from exclusive cells containing individual altars and had integrated to one where the users of that space could set the focus as they wished. The focus was on the individual amidst observers rather than on individual-dependent responses to discrete views of furniture and fittings determined by the structure of the building. The “opened-up” post 1525 St Michael le Belfrey was a humanised space; one in which the users defined the focus. It was a space that operated on human terms, that could be changed to suit the use. Here,*

*relations were no longer primarily vertical, between individual person and the divine, as they seem to have been in the pre-restoration St Michael le Belfrey. Now, they were horizontal as well, encompassing the congregation in the modern sense of the word in the presence of God.*” The similarities with the vision of use laid out in the Statement of Need is striking. Further, the following passage, highlighting the significance of the 16<sup>th</sup> century piers and arcades, is similarly striking in the obvious echoes found in the aims of the proposed new interior design (which affords greater prominence and visibility to the piers and arcades after removal of the Gallery and staircases): *“It [the church interior] is a single great hall while still allowing for the more traditional three vessel division that had existed in the previous church. It is, then, these arcades which realise the unifying potential proposed by the plan and are chiefly responsible for creating those qualities of openness, universal visibility and lightness of structure apparent in the church today.”* A further aesthetic and architectural public benefit that would be occasioned by removal of the Gallery and staircases and replacement with the new design is the greater visibility of the interior features and improved sightlines in the church: the new designs mean that the aisles will be visible for the first time in 250 years; the chancel will be more visible than at present; the current obstruction of the north west and south west stained glass windows will be removed; the reduction of seating in the nave allows for greater legibility of the stone arcades in the way referred to in the PhD thesis above.

69. Do these factors amount to a level of benefit great enough to justify serious harm by the removal of this historic fabric? In my view, they do. These benefits are not merely numerous in terms of length of list, they are also deeply important improvements and progressions in the life of a living, active church and architecturally appropriate steps highlighting continuity of expressions of worship through time.

70. As to whether the serious harm should be permitted on an exceptional basis, given the context of this church as a Grade I listed building, I have had regard to the unusual position this church occupies, both in its physical location and in its role within the Church of England, in particular in the Northern Province.

71. As to its physical location, the unusual city centre location adjacent to the Minster means there is a unique and significant tourist/visitor/student profile which has the potential, in my view, to benefit alongside the regular worshipping community in an exceptional way from the improvements contemplated (to which the changes to the Gallery and staircases are pivotal). There is also the unique potential for interaction with the Minster which is likely to prove complementary to both.
72. As to the church's role within the Church of England and the Northern Province in particular, I note that the Belfrey community is a particularly vibrant and successful one. The Belfrey is the largest Anglican Christian body in York and one of the largest Christian communities in the North of England. For many years it has been one of the largest parish contributors to Diocesan funds. It has been designated a Resource Church with responsibility to plant new churches in the Diocese and region (and has successfully done so in the Diocese of Newcastle, G2 worshipping in the Tang Hall area of York and with a further successful regeneration project underway in Heworth, York). The capacity for this church to be a beacon of leadership and to provide significant and far-reaching benefits to wider church communities as well as to the local community render it out-of-the-ordinary.
73. Taking all of the above matters into consideration, I conclude that the public benefits that will result from the removal of the Gallery and staircases are far-reaching and powerful. They are sufficient to outweigh the strong presumption against the proposals which arises because they will seriously adversely affect the special character of this grade I building. I am also satisfied, given that serious harm should only ever be permitted, in the case of a building of grade I listing, in exceptional cases, that the nature of the benefits to be derived from the proposed changes in combination with the unique location and important role of this church, mean that this is an exceptional case.
74. However, I consider that steps should be taken to, so far as possible, safeguard the historic fabric of the Children's Pews and the Gothic balustraded staircases and to (continue to) seek to relocate these historic items. I understand from the information I have before me that, whereas there is no realistic and feasible way of retaining the tiered collegiate pews and sectional Gallery front intact, the Children's Pews can remain intact and that it would be possible to store them once dismantled and recorded, before their reassembly into their current format. Similarly, the balustraded staircases can, I understand, also be dismantled,



reassembled and stored. I will therefore impose a condition on the grant of permission for these works that both the Children's Pews and the staircases be dismantled, recorded and safely stored and that all avenues for their intact relocation be explored. If unsuccessful after a period of 12 months, the matter shall be referred back to the DAC with evidence of those who have been approached and their responses. In the event of successful relocations, then photographs of the Children's Pews and/or the staircases in their new locations shall be incorporated as part of the Belfrey's interpretation scheme.

75. I also consider that it is important that there should be imaginative documentation, photography and record keeping which does justice to the historical fabric and storytelling elements that will be lost through the removal of the Gallery and staircases. I am pleased to be informed that a scheme of interpretation is to be carried out by the Centre for the Study of Christianity and Culture, and that it is likely to encompass digital displays, written materials, 3D scanning and live time-lapse of works as they progress. It may be that this element of record-keeping would be elevated by allowing the involvement of local historians/writers/artists in producing materials for interpretation and I consider that some thought should be given to that, to the extent that it has not yet been.

76. It would also be assisted by having the architects produce a Written Scheme of Investigation ("WSI") for the internal works, in line with those that it is said will be produced for the archaeological and conservation works proposed in the petition, if permitted. A minimum of Level 2 of HE's building recording guidance shall be included in the WSI and the Church Buildings Adviser shall approve this document prior to the commencement of any works to interior furnishings. Following enquiries I have made on these points I understand that these elements will not introduce any undue delay any works. I will therefore add them as conditions to the grant of a faculty for the works.

### **Removing the existing narthex screen and creating a new narthex with a servery and two wheelchair accessible WC cubicles**

77. The narthex is separated from the body of the church by a partially glazed oak screen constructed in 1886 with three double door openings giving access to the nave and side aisles. The Conservation Management Plan says: "*It was described by Hargrove (1907, 04)*

*as a 'graceful oak and glass screen...to prevent the draught which had been serious felt by the congregation'.*

78. The proposals for the new narthex introduce significant interplay between other areas of re-ordering, in particular the new gallery and staircase areas, but also the proposals for additional new entry points by the West door and the proposed reordering of the nave and aisle spaces. The new scheme proposes that: the existing narthex screen be removed; the introduction of the new gallery shall incorporate a new servery at ground floor level, with better facilities; one accessible toilet be added to the south of the entrance and one oversized toilet be added to the north of the entrance (also allowing for a boiler room); larger floor space be introduced which can incorporate a meeting space and support maximum capacity events, as well as some storage at ground floor level incorporated as part of the new gallery design.
79. None of the consultees have raised particular concerns regarding either the loss of the narthex screen or the detail of the designs for the new narthex elements including servery, WC and flexible space created under the gallery. HE commented that the loss of the screen was part of works that would, overall, have the effect of stripping away layers of history (this is considered specifically below as to the significance of the screen itself, and in the broader context of loss of historical layers, in greater detail in the evaluation of the loss of the Gallery and staircases above, consideration which is of application to all of the proposed changes in this petition). Dr David Knight of the CBC observed, in its letter of 12 December 2019, that *“The servery is intended for drinks and pre-prepared food and has a relatively small serving area for a busy place. For larger events catering is brought in. This helpfully reduces the impact of catering facilities with their attendant fire burden. Provided it meets the need, the Council is content.”*

#### *Duffield assessment*

80. The re-ordering of the narthex area per the proposed designs is contingent on the loss of the Gallery, Gothic staircases and fixed pews which have been assessed in detail above. Much of the evaluation using the *Duffield* questions relating to the Gallery is relevant to all other areas of the proposed scheme and will not be repeated in every full under every separate element of proposed works I am considering. In particular, the starting point for the assessment of significance, assessing the unique and key features which give the church

its particular character, the impact of the Grade I listing in this particular setting, and the assessment of some aspects of justifications and public benefit apply across the board to the major elements of proposed reordering in this case.

81. Bearing those points well in mind whilst addressing the framework of *Duffield* questions in respect of the proposed works to the narthex, I have concluded as follows.

**Question 1: Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?**

82. The significance of this church and the particular features which give it its unique character are considered in detail above. Within that context, the removal of the existing narthex screen and creation of a new narthex with a new footprint and flexible areas of space will be an impactful change of appearance upon entry to the church. It will immediately present a modern impression with its extensive use of light-coloured wood and extensive glazing. The loss of the narthex screen will, in my view, have only limited impact on significance, but it is the change of style and appearance by the introduction of the new designs for the narthex which will have the greater impact amounting to harm to both the architectural and historical significance of the church.

**Question 3: If the answer to question 1 is “yes”, how serious would the harm be?**

83. As above, a relatively low level of harm is likely to flow from the loss of the narthex screen, in my view. This is based on the lack of particular significance attributed to it by commentators in the context of the church as a whole, the evaluation of it as being of “low significance” by the expert Hugh Harrison and the lack of comment upon its proposed loss by consultees, other than in the limited ways identified above.

84. A potentially greater level of harm appears to flow from the impact of the scale of change and the modernity of the proposed new designs. These factors have to be seen as part of the broad sweep of internal changes which potentially harm the significance of the church in multiple ways including changing the atmosphere, the impression and the historic storytelling impact of the interior when it is replaced in a visually significant way, such as this. The SPAB and the Victorian Society, in particular, make this point eloquently in their

informal submissions. I have considered this above under the heading of the Gallery and staircases, but which is of much broader application to the other proposed changes too.

85. However, I consider that the changes when taken together (both the loss of the old and the introduction of the new) amount to less than substantial harm to significance. Changes in atmosphere and appearance in this case are, in my judgment, likely to be overall beneficial and to improve upon the present dark and cramped impression (as it is submitted, and I accept) created under existing narthex arrangements. Not only is it the case that the new designs represent considerable improvements on the space and facilities, but also HE have drawn out the fact that the proposed designs, using sliding screens on all sides of the ground floor subdivision, will help to maximise flexibility of use, and also that the use of glazed panels to the sides will allow views of the historic and important stained glass from the narthex, which is not currently possible.

**Question 4: How clear and convincing is the justification for carrying out the proposals?**

86. The Statement of Need observes that the narthex plays an influential role in terms of attracting visitors and facilitating the introduction of potential new members of the church community. It is the entry point area, where people think about whether to join in worship or an activity or whether they leave again. *“Currently the building is dark and brooding with the one relatively small entrance at the west; the dark wood Narthex screen reducing the view into the church (and has created safeguarding issues)...”*

87. The Parish has identified a number of key needs, which the proposed re-ordering of the narthex seeks to address as follows:

88. A need to reduce congestion and improve significant movement and safety within the building. The evidence and rationale for this is as follows: as set out above in the context of the interaction between reordering the narthex and the design of the new gallery, the parish has explained that there is significant congestion, with bottlenecks and pram-parking occurring in the narthex, and queues forming during lunchtime services and during intervals at events held in the church. The thoughtful re-design of the narthex and the ground floor space of the church proposed in the plans increases the floor space;

89. A lighter, more spacious and inviting welcome: The evidence for this is as follows: as referred to above, research has revealed that the average stay time for non-worshipping visitors is 10 minutes. The parish has put forward a persuasive analysis that the present arrangement of the narthex encourages overcrowding, is off-puttingly dark and lacking in visibility and that these and other such factors have a negative impact on many aspects of the church's current function. It is noted that the church teams work extremely hard at overcoming these drawbacks to welcome, for example by having active volunteers positioned outside the West door in all weathers to draw guests in. However, these sorts of successes are likely, in my judgment, to be amplified by a more welcoming entry space. I am satisfied that the lightening and brightening effect on this crucial entry point to the church is likely to encourage visitors into the church interior and to engage inside the church for longer;
90. Creation of a café zone as part of increasing the warmth of, and more inviting nature of, the welcome into the church: The evidence for this is as follows: *ad hoc* café services are currently provided in the chancel and the serving facilities are, I find, inadequate. Queues and congestion are reported at times when café services are offered. These problems will be addressed by the creation of a new servery and café zone. It is also postulated, and I conclude that this is also correct, that developing the café and servery facility will enhance the visitor experience, provide a conduit to building relationships, increase staying times and provide a worship and café space for businesses and residents (I note that the Minster recently opened an eating venue in a nearby building, but that the offering there is for higher-end "bistro" style meals, rather than the simpler café envisaged in these proposals);
91. Increase accessibility of toilets including changing area: The evidence and rationale for this is as follows: the Statement of Needs sets out (and nothing is said against this by any of the consultees) that additional toilets will significantly reduce queues during Sunday services and other well attended events. At present, the only universally-accessible toilet requires travelling around the outside of the church in all weathers and the proposed increase in numbers and types (unisex, accessible, large size) of toilet facilities greatly improves upon what is an unsatisfactory situation for a church in the Belfrey's popular central location.
92. There is nothing in the materials before me either to gainsay the existence of these justifications or to argue that the articulated needs are not clearly addressed by the plans

the parish advances for this area of the church. In my judgment the foregoing justifications are clearly and cogently articulated by the petitioners.

**Question 5: Bearing in mind that there is a strong presumption against proposals which will adversely affect the special character of a listed building, 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?**

93. I have assessed the level of harm likely to be caused by the proposals as less than substantial. The level of benefit needed before proposals which will have a less than substantially harmful impact should be permitted is correspondingly less than if the harm were assessed as serious, albeit that in my judgment justification for harm to a church with a grade I listing, in particular where the bulk of the harm is derived from a change in the character and appearance as in the case of these changes to the narthex, should not be unduly minimised.

94. I am satisfied in this case that there are clearly evidenced and strong levels of public benefit flowing from the proposed changes to the narthex, and that these changes support the church in its opportunities for mission. In particular, the opportunities to connect and forge relationships with people which will be afforded by the servery and the brighter and more welcoming transitional area, taken together with the accessibility benefits brought in by the greatly improved toilet arrangements, will support the church's stated 5 Year Road Map aims of "Serving York", "Making New Disciples" and "Nurturing Disciples". In my judgment these public benefits are very strong and operate to rebut the presumption against proposals which adversely affect the special character of a listed building.

**Relocating wall memorials**

95. The church walls carry a number of wall memorials and benefactors' boards which are (and this is not in dispute on the papers before me) mainly of local interest (once again I have had regard to the Condition Survey prepared by Graciela Ainsworth in respect of the wall memorials). However, some are of considerable significance by virtue of their quality, early date and historic interest. These include one of the earliest known cartouches in central York, in memory of Anne Walker (1687), which features scrolls mixed with foliage. A Royal Coat of Arms of Queen Anne is currently located on the fascia of the existing Gallery

and relocation of it is included within this element of the proposals. None of the wall memorials, nor the Royal Coat of Arms, is to be lost and only relocation of these items is proposed.

96. In particular:

96.1. The relocation of some of the wall memorials is necessary to facilitate the construction of new storage units;

96.2. The proposed blinds to the West window of the gallery will interfere with the position of two of the memorial boards;

96.3. The three Lord Mayoral Boards are currently in a disadvantageous positions and it is proposed that they should be moved so as to be better appreciated;

96.4. The relocation of the Royal Coat of Arms will be necessitated by the removal of the existing Gallery.

97. The proposals for relocation are:

97.1. The two Memorial Boards from the Nave West Elevation will be relocated to the North Aisle Elevation, where the organ was previously located;

97.2. Four Wall Memorials (three of which are currently hidden behind existing kitchen cupboards and one that will become hidden by a proposed cupboard,) will be relocated to the North and South Aisle Elevations and Nave East Elevation;

97.3. The Royal Coat of Arms of Queen Anne will be relocated to the North Aisle Elevation;

97.4. The Three Mayoral Boards will be relocated to the South Aisle Elevation.

98. Standing in a niche at the east end of the church there is also a very large, elaborate and important memorial, of considerable interest, known as the Squire Memorial. It features near life-size effigies of Sir Robert Squire and his wife Priscilla with Corinthian pilasters

and open pediment. Whilst not strictly a wall memorial, and no changes are proposed to the memorial itself, I nonetheless note that a very minor change is proposed to the railing around the memorial in that it is proposed that it be slightly lowered and fixed to the proposed new flooring in the church.

99. None of the consultees or other sources of comment before me have raised any concern about the proposals to the memorials, other than in the context of concern to ensure that great care is taken during their movement (and to protection of the Squire Memorial<sup>20</sup>) due to their age and delicacy, and a note that occasionally removal of memorials can reveal evidence of wall paintings or other ancient features, with helpful practical observations being volunteered by the CBC and the Georgian Group on these points.

**Question 1: Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?**

100. The memorials have been assessed for significance within the Statement of Significance (without dissent from consultees) as follows:

100.1. Wall memorials: whilst individually these vary in quality, scale and historic interest (for example the unusual Anne Walker cartouche may have a higher significance than some others), as a group they provide a lot of interest which is primarily local historic, architectural/craftsmanship and genealogical in nature. They are assessed as a group as being of moderate significance;

100.2. Lord Mayoral Boards: there are three such boards and they depict former York Lord Mayors from the parish. They are assessed as being of low-moderate significance;

100.3. The Royal Coat of Arms of Queen Anne: relatively speaking the most significant of all of the items under consideration, this is a striking feature and

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<sup>20</sup> The CBC has also requested a method statement for the conservation works to the Squire Memorial. I note that the Graziela Ainsworth Condition Report recommended conservation and that that has been included within the project cost. It is, in my view, also appropriate to add a condition that once the sub-contractor has been confirmed for memorial conservation, a method statement shall be provided to the CBC for approval before conservation of the Squire Memorial commences.



is contemporary to the 1712 communion rail and reredos. It is assessed as being of moderate-high significance.

101. In answering question 1 I have had regard to the foregoing and I have also had regard to the fact that (i) all of the wall memorials and the Royal Coat of Arms are to be retained within the church; (ii) the Royal Coat of Arms has been located elsewhere in the past (and there is evidence that several of the other wall memorials have also been moved at various points in the past); (iii) under the proposed designs there will be, overall, some improvement in the visibility and display of these features on the walls of the church; (iv) none of the consultees has raised any concern about the proposals for relocation; (v) a point has been raised that in considering the practicalities of relocating the memorials it has been discovered that impermeable paint has been used on the internal walls of the church which will be removed in conjunction with the relocation works, and limewash reintroduced to the walls (a side-effect of the proposed works which the CBC welcomed and endorsed).

102. Taking these points in the round, I conclude that the proposed movements of the memorials and Coat of Arms to their new locations (or any of the proposed relocations considered separately) has historical precedent, will not disadvantage the visibility of the memorials nor prejudice any meaning or significance to specific locations within the church, nor will it otherwise undermine the appearance of the church. Likewise, the proposed adjustment of the railings around the Square Memorial is de minimis in effect and will not impact on the appearance or significance of the memorial or the church. These elements of the proposals will not, therefore, harm the significance of the church as a building of special architectural or historic interest.

**Question 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.**

103. The advantages of ensuring the retention and display of these historically and locally interesting pieces are considerable. In particular, they ensure the retention of depth of interest in the interior and preservation of some of the layers of history the interior contains at a point at which other material is lost from it. Leaving things “as they stand” as regards the memorials would result either in significant interference with advantageous and

justified reordering proposals, or in damage or impairment of the memorials themselves. There are no specific connections of importance to the present locations of the memorials or Coat of Arms to require or justify leaving them in situ and I therefore conclude that the ordinary presumption is rebutted in this case such that the relocations may proceed.

### **Inserting two new entrance doors at the West end**

104. A lot of time and effort has gone in to refining proposals for the introduction of two new entrance doors at the West end. What is now proposed is not objected to by any of the consultees or the DAC and is the product of compromise by the parish and its project team as well as excellent communication and collaboration between the parish, the DAC and the consultees.

105. Originally proposed were two glazed doors either side of the main West door entrance, aimed at reproducing an effect which imitated the west doors at York Minster:

105.1. The DAC lost no time in indicating that the original designs in fact ran “*in contradiction to that aesthetic*”, that they would not be subservient to the main door, would look out of place on the façade and against the current central wooden doors, would be highly reflective rendering it more difficult to see in from the outside (i.e. an effect at odds with the intended objective of creating a more visible interior and inviting access point into the church), and that glazed exterior doors are not environmentally efficient as they are not good insulators and generally require air curtains;

105.2. Historic England was also concerned about initial designs, commenting on the loss of historic masonry and the damaging visual impact of rectangular areas of glazing on the architectural character of the west front;

105.3. The Victorian Society raised no objection to the introduction of the doors in principle, but advised that the new doors should be fitted with external timber doors for their security and thermal benefits and to ensure that no jarring visual notes were struck in the otherwise intact and coherent historic west frontage of the church;

- 105.4. The SPAB required clarity as to whether the west elevation was rebuilt in the nineteenth century or simply refaced, in order to be able to understand the likely impact of the proposed new doors. Subsequent to clarification having been obtained that the elevation appears to have been refaced, no further comment has been advanced;
- 105.5. In its initial response the CBC echoed SPAB's concern regarding the need for an archaeological appraisal of the location of the new openings.
106. The necessary archaeological attention was given to the west elevation and the consensus appears to be that it is likely that it was refaced as part of later works undertaken between 1867 and 1868. There will therefore be a loss of historic masonry by the introduction of the proposed new doorways, although HE has commented that there is less sensitivity in the loss of such fabric given the intervention of later works. The designs, too, have been revised and the project architects produced many different iterations, including locating additional entry points elsewhere, finally alighting (in conjunction with advice and oversight from the DAC) on a design which, the DAC found and I concur, minimised the removal of historic stonework and reduced the impact on surrounding existing stonework (other options requiring planning or tooling back surrounding stones). The parish also compromised in an important way by accepting timber doors in lieu of the originally proposed glass doors.
107. The Statement of Significance reflects that the resulting design now incorporates the symmetry of the church's wider external appearance and also responds to the architectural style and composition of the front elevation of York Minster. I agree with that appraisal.
108. The outcome has been that there is, broadly, support for the proposals. The DAC support the proposed works. The CBC concluded that "*The Council is content with the proposed additional entries at the west end. It noted that alternative suggestions had been made to open doors elsewhere in the building. It agreed that the west end was the most suitable place to introduce the new doorways as this would allow better overall management of the flow of people and the building environment.*" HE concluded that "*The design of the proposed new openings on the west elevation has been refined to make them*

*more subservient to the main entrance. We find the justification provided for these acceptable...*” Other consultees deferred to these views.

109. Within this matrix, and in the context of the wider considerations of the significance of the church and the broad impact of the proposals that I have considered above (under the heading of changes to the Gallery) I turn to consider the *Duffield* questions.

**Question 1: Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?**

110. Although the impacts of the introduction of the new doors have been the subject of very careful and thoughtful design work to minimise harm, nonetheless the west elevation of the Belfrey will change in appearance and there will also be a loss of historic masonry fabric.

111. The west elevation has an important outward-facing relevance to the historic setting, forming part of the townscape of the York Central Historic Core Conservation Area and sitting at the feet of the Minster.

112. Seeing these changes as part of the grand scale of proposed changes also indicates a harmful impact on significance, although the changed new doors and impact on historic fabric are, relative to other proposed changes, not near to being the most damaging.

113. These factors indicate that there will be some harm to significance caused by the introduction of the two new doorways.

**Question 3: If the answer to question 1 is “yes”, how serious would the harm be?**

114. Some of the seriousness of the impact has been contained through careful design and active listening on the part of the design team, such that I conclude that harm, whilst present, is less than substantial. The well-known recognisable façade of the Belfrey will change, which is an important impact in a church with a Grade I listing. However, the changes are subservient to the main entrance door, complement the architectural features of the west window above and reflect the three door entrance of the west end of York Minster. I accept the analysis of the DAC that the design team has carefully considered

ways to respect and preserve the character and appearance of the part of central York and has produced an architecturally honest and appropriate intervention respecting the townscape views.

115. I also note that there is to be mitigation of the loss of historic refaced masonry by the careful removal, recording and setting aside for use of masonry removed from the West elevation, and that material will be retained for use in the masonry repairs required to the building.

116. These factors mean that what might have been a harsh intervention has in fact assumed a complementary character in appearance and achieved some mitigation of the loss of fabric, with resultingly (relatively) limited harm to significance.

**Question 4: How clear and convincing is the justification for carrying out the proposals?**

117. The justification for this element of the reordering works is as follows:

117.1. Achieving the parish's priority of a lighter, more spacious and inviting welcome  
The basis of this justification is as follows: I have assessed elsewhere the evidence of bottlenecks, congestion, the dark aspect of the present entry point and the inability easily see into the church, all of which have necessitated the welcome team taking their welcome outside into the area in front of the west door. The church has a well-evidenced need for a larger and more accessible public entrance given its numbers of users and visitors. Other solutions, including keeping the present west door open and using existing north and south doors at the west end of the aisles, have been explored but are too problematic for various reasons, including lack of comfort and energy inefficiency in the case of leaving the door open, and lack of internal space and traffic hazards in the case of using alternative additional entry points. The new designs for the two additional west end doors provide an inviting entrance which alleviate the congestion difficulties whilst avoiding the drawbacks of the alternative solutions.

118. The above appears to me to present a sound rationale for the proposed changes and I am satisfied that the petitioners have presented a clear and cogent justification for the additional timber west elevation entrances now proposed.

**Question 5: Bearing in mind that there is a strong presumption against proposals which will adversely affect the special character of a listed building, 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?**

119. I have taken into consideration that the more serious the harm, the greater the level of benefit needed before the proposals should be permitted and in that regard have borne in mind that I have concluded that the introduction of the proposed additional entry doors will give rise to relatively limited harm to significance.

120. In this case there will be important assistance to mission and equality by facilitating the easeful and accessible use of the church. Having a welcoming and improved entry point into the church will also serve in the achievement of the specific 5 Year Road Map aims of increasing the Belfrey's reach to potential new people and the range of services it is able to provide to those in need.

121. These are significant public benefits. In my judgement they outweigh the harm that will flow from the works and are sufficient to rebut any presumption against executing the proposals.

#### **Removing all Nave and Aisle pews and replacing with stackable seating**

122. In order to create the flexible internal space the parish seeks it is proposed that all of the ground floor pewing is removed, save for the retention of seven free-standing Medieval benches. Like the removal of the Gallery and staircases, this represents a radical and permanent interior change, demanding of close scrutiny. The pews that will be lost under these proposals are the imposing, dark oak nave pews by George Fowler Jones, some of which are (unusually) boarded across the piers so that the congregation cannot enter from the aisles. Also, the (relatively more significant) near complete scheme of collegiate aisle pews.

123. It is well recognised by the parish that this will be a damaging change to the Belfrey's interior on several levels. Consequently, many options have been evaluated over the course of the long evolution of this scheme, several driven by the input of consultees. The DAC sub-committee has worked, from an early stage (c.2018 onwards), to see if some, or even one section, of the collegiate pews could be retained. This has included serious appraisal of HE's suggestion of a phased approach, allowing the "*much less significant central bank of fixed seating to be removed to create a flexible open space for a range of activities and worshipping styles*" (cautiously supported as an alternative approach by the Victorian Society as part of its very fair acknowledgement of the likelihood of there being significant public benefits arising from the proposed scheme). It has also encompassed options appraisals of other variations and permutations of partial retention of the pews, including a phase of design development and consultation which centred upon retention of some limited collegiate pewing at the walls of an otherwise open nave space.

124. However, as plans developed, and in particular once the U-shaped gallery had been rejected, meaning that the proposed aisle galleries were removed from the scheme, retention of collegiate pews in any permutation was found to take up too much space to allow full expression of the parish's aims for re-ordering. A comparable scheme in Hull Minster, where there had been retention of some collegiate pews by making them movable, was carefully reviewed but found not to be achievable in the much smaller space of the Belfrey because there was a lack of spare floor area in which to position retained collegiate pews even if made movable. It was also concluded by the DAC, in its evaluation of the various iterations of proposals, that retained collegiate pews would look "*strangely out of context in a completely re-ordered interior*".

125. The product of all of the careful deliberation and re-appraisal is that the parish has reluctantly reached the position whereby the only option to avoid significant impingement upon its aims for use of the interior, and to also achieve visual cohesion, is the complete removal of all internal ground floor pewing, with the exception of the retention of the seven loose Medieval benches, and its replacement with stackable wooden chairs.

**Question 1: Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?**

126. The unanimous answer to this question is “yes”.

**Question 3: If the answer to question 1 is “yes”, how serious would the harm be?**

127. There is similarly no dissent from the conclusion that changing the seating in the way proposed will have a high impact on the character of the building.

128. The congregational seating has significance from an historical - and rarity - perspective, which will be lost by its total removal<sup>21</sup>. There will also be the cumulative impact on the character of the internal space resulting from removal of pews and the introduction of chairs in combination with other changes of major historical and visual significance such as the Gallery and staircases. The Victorian Society, writing in 2019, described the interior of the Belfrey as “...*the epitome of a multi-phase building so well characterised by, and valued for, its many layers of history...*” and substantial areas of fabric contributing to that perception are permanently removed under the plans. In addition, there will be damage to the aesthetic significance of the interior caused by removing large quantities of charismatic, ordered, traditional bench seating.

129. Consultees pressed for careful and expert evaluation of the ground floor pews and the parish has consulted an expert, Dr Brandwood, to assist in assessing the significance of the pews (although it is noted that the Victorian Society does not consider that the scholarly and objective assessment of the historic seating has been conducted thoroughly enough and that there have been missed opportunities for more detailed consideration of its provenance and interest). Dr Brandwood’s work has been used (without, I note, quotation or attribution) as the basis for the Statement of Significance and the conclusions reached in that document are these:

129.1. There is little dissent from the view that the nave pews are relatively less significant than the collegiate aisle pews (this conclusion is possible even whilst noting that the work on assessing them could have gone into further detail). They are, though, the work of a respected local and regional architect, George Fowler Jones, who designed a number of churches and restorations in the Gothic style. Pewing with a

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<sup>21</sup> See footnote 7 above as to salvage, repurposing and reuse of the pews.



strong attribution to a maker is not common and this raises the significance of these pews. The nave pews are evaluated in the Statement of Significance as being of “little significance”. This appears to me to be ascribing too low a significance to these pews. Not only do they contain elements of interest and surprise (e.g. the boarded piers and the uncommon attribution to Fowler Jones), they are also numerous and striking in appearance, being one of the first impressions of the church interior on entering, and have (as the Statement of Significance recognises) an “*imposing character on the quality of the internal space*”. I consider that the nave pews are of moderate significance when their appearance and contribution (historical and aesthetic) to the current interior arrangement is taken into account;

- 129.2. The aisle pews are widely considered to be of greater interest because of the rarity of their surviving collegiate arrangement. This arrangement is unusual in a parish church context, especially alongside forward-facing pews, because of the influence of ecclesiology on church re-orderings. I accept the view expressed in the papers that the fact that these pews were designed in the 1850s, when ecclesiology was a major force in church schemes, gives them a particular historical interest. They are also architecturally more elaborate than the nave pews, with carved poppy heads and they have retained their low doors, a vestige of box pews. However, it is noted that whilst having such a complete scheme of collegiate pews is rare, the scheme has not completely survived in its full form (originally extending much further into the east end of the church). Furthermore, the historic interest of the scheme is considered to be tempered somewhat by the fact that the arrangement is not innovative and in fact would have been regarded as old-fashioned in the 19<sup>th</sup> century. Similarly, whilst the rarity value of seeing this scheme in the context of a parish church is relatively high, these schemes are not scarce per se, especially in the context of 19<sup>th</sup> century college chapels where large numbers of examples exist. Finally, the quality of craftsmanship and artistic quality of the aisle pews has been assessed, and I accept this assessment, as being of reasonably good but not exceptional quality and lacking in innovation, simply repeating commonly used motifs and details of the 19<sup>th</sup> century. All of these factors taken in the round have led the parish to contend for an assessment of the significance of the aisle pews as moderate to high, which I accept;

129.3. The other element of congregational seating on the ground floor is the collection of seven loose Medieval benches. These are thought to be the oldest internal woodwork in the building, with the six oldest likely to have been part of the church furnishings in the rebuilt church, dating from 1530-1550. Besides their age, and the beauty of their aged appearance, they also have interesting features. Four of the seven benches have bench ends carved with poppy heads (including two with ends carved with window tracery), six of the seven incorporate 16<sup>th</sup> century carved woodwork. Two have scrolled 16<sup>th</sup> century ends and one has 17<sup>th</sup> century turned legs. Work done to assess these benches in 1994 considered that they were adapted many years ago, having been reduced in height and length. The evidence and the context before me suggests that these benches are of high significance and it is proposed that these benches be retained and exhibited inside the re-ordered church.

130. I accept that the quality of the replacement seating has the potential to offer some (albeit limited) mitigating effect on the harm that will inevitably be caused by the removal of this historic seating. After initially preferring upholstered options, the parish has given careful attention to the CBC's views and to its guidance note. This resulted in a change of view, correctly in my judgment, so that non-upholstered, stackable wooden Treske Howe 40/4 chairs have now been selected instead.

131. However, even taking the appropriate choice of replacement seating into account, I agree with the Victorian Society's assessment that the loss of the fixed pews in both the nave and the aisles (even allowing for the slight differences in their significance), allied to the loss of other historic interior elements, will cause substantial and permanent harm to the character and appearance of the historic interior and therefore the significance of the building, such that the justifications proposed for doing so require very careful scrutiny.

**Question 4: How clear and convincing is the justification for carrying out the proposals?**

132. As with the replacement of the Gallery and staircases, the proposal for removal of pews is deeply interlinked with other elements of the scheme and has been designed with the aims of achieving various priorities set out in the Statement of Need and enabling the parish

to develop its highly important, successful work and its role as a Resource Church through its 5 Year Road Map.

133. The key need as set out in the Statement of Needs which is said to be answered by the proposals for the internal seating is “Flexible use of internal space and the capacity to seat 550+”. However, the interplay between the design elements is immediately apparent in that the capacity needs are dependent upon the interaction of the new seating on the ground floor with that developed in the new gallery; the flexibility of space is dependent on the interaction of the newly freed up nave and aisles with the creative and flexible meeting spaces being developed in the narthex under the new gallery; similarly, the other identified needs hinge on freeing up the central floor space. For example “Accommodating facilities for baptism by full immersion for infants and adults” requires flexible, non-pewed floor space in order to introduce the full immersion pool that is proposed, and achievement of the aim to increase “Accessibility in all its forms” is only made fully possible where pews are removed and floors are resurfaced in conjunction with changes to other features such as gallery access and new toilet facilities.

134. It is in this interlinked context that the key justification requires assessment.

135. Flexible use of internal space and the capacity to seat 550+. The evidence for this is as follows:

135.1. A comprehensive consultation with the Belfrey’s church family has been ongoing since 2018 and it was this process which led to the development of the Client Requirements document from which the planned reordering has developed. The community has taken part in updates twice yearly and has participated in developed design workshops. As a process for gathering evidence as to contemporary use and need, and then using that information to develop key aspects of the major re-ordering project, this must be highly unusual in the care taken and the depth of its consideration. A key priority that has consistently emerged from these processes is a need for flexible configurations of seating. This is to enable liturgical freedom and development, to greatly increase the range of activities possible and to accommodate increased numbers of people;

135.2. This need was foreshadowed in a letter from the very inception of the process of consideration leading to this petition, in 2011, when the first serious consideration was being given to a potentially large-scale project. The then Bishop of Selby, the Right Revd Martin Wallace, wrote to the then Vicar, Matthew Porter, exhorting consideration of a truly ambitious re-ordering and identified the problems the pews posed to development of the church's scale of worship and its wider plans. His letter commented on the impediments of the existing pew arrangements as follows:

*“Over the past fourteen years both as Bishop and previously as Archdeacon I have taken services in literally hundreds and hundreds of churches. St Michael's has to be one of the most difficult in which to conduct worship. This is for a number of reasons. To lead worship from the front means either being at floor level or on the current stage which feels far too elevated. Both are unnatural. If leading from the floor, then the height of the pews makes it difficult to see people and for them to see you., while those sitting in the side pews are consigned almost to watch as spectators. It is therefore all the more extraordinary, and a testimony to the grace of God, that St Michael's has a unique place in the Diocese, the North of England, and nationally as so large a congregation. There is no human explanation: it has to be God!”*

135.3. In terms of the flexibility of space that will be achieved if the pews are removed and new chairs introduced, and the range of activities that can be developed, I consider that there is a high quality evidence before me to support the conclusion that the interior will be used from the outset in a wholly flexible way. As I have evaluated above in the context of other areas of the plans, this includes creating large spaces for use, for example, in collaborations with York Minster, large scale services in the round and activities such as Messy Church; smaller spaces for services with reduced congregations or for more intimate, prayerful meetings; and allowing for subdivisions to facilitate meetings, conferences and breakout sessions. This flexibility will allow for the development of new worship and community service activities as I have assessed above. The successful profile of the Belfrey as a leading church in the Northern Province and its unique Minster-adjacent, city centre location leave no room for doubt as to the likelihood of these

uses being pursued, nor as to their likely success, provided the right physical space is available;

135.4. In addition to the benefits that stand to be gained if the pews were to be removed, there are also problems with the pews themselves which will be avoided if the pews are removed. The existing pews are not accessible because there is a step to get into each pew and the doors on the collegiate pews are a safety issue. *“Over the years children and adults have suffered bumps, knocks, trips and trapped fingers from getting in and out of the pews, particularly the collegiate pews. This can be off-putting when welcoming new families with children as the building does not feel particularly welcoming or safe.”* It is important to note that many of these factors may well have been capable of resolution through lesser interventions than the wholesale removal of the pews (for example, safety issues re trapped fingers etc). Others, such as the accessibility issues, might require more major interventions to resolve the problems, and conceivably that might then affect the historic or artistic merit of the pews, albeit allowing for their retention on site. These factors are not, therefore, of themselves decisive reason for the removal of the pews. However, they do form part of the broader picture as to the merits and demerits of the pews and the plans for them;

135.5. The Statement of Significance notes, and I accept, that a further justification for change arises because the plans take their place in the cyclical life of the church’s interior appearance and will bring the church closer to its interior as originally conceived. Developments in religious thought and practice have been reflected in liturgical arrangements and changes in the interior throughout the life of the church. The open design of the church as it was rebuilt in the 16<sup>th</sup> century for corporate worship was altered by the 19<sup>th</sup> century changes which enclosed the internal space and led to configurations suitable for the type of worship prevalent at that time. The proposed design of the reordering, and the proposals for the removal of the pews in particular, move back to the original open church space and significantly eases the gathering together in corporate worship once again, which reflects the preferred mode of worship within the Belfrey community.

136. Turning to the views of consultees on these justifications for the works, the Victorian Society, in particular, maintains its objection to the loss of the pews, whilst fairly recognising that there appear to it to be potentially strong public benefits for the proposals as a whole (ultimately deciding not to take its objections forward as a party opponent in these proceedings). Other consultees were ultimately satisfied that the proposals, although sweeping in scale and effect, were justified. The CBC concluded, in January 2023, that it considered the case for replacing the collegiate pewing (in particular) to be made out, not least because of its impact on circulation in the building and the depth to which it encroaches on the nave. Historic England too, having steadfastly objected and maintained proper pressure on the parish over the several years of its involvement to consider alternatives to the loss of the pews, ultimately (30 January 2023) considered that the parish had conducted such assessments properly and that, although there was cause for substantial regret of loss of historic fabric, nonetheless “...a powerful case has been put forward in relation to the needs of a growing congregation with aspirations to make greater use of the building and increase its role in the life of the city”.

137. Taking all of these factors into account I conclude that the parish has clearly and convincingly established strong justifications for the removal of the pews and their replacement with stackable chairs. I am satisfied that the above justifications - as to difficulties posed by the existing pew arrangements, inhibitions to developments the church envisages and the needs to be addressed through the new proposals - are well made out and amount to powerful reasons for change.

**Question 5: Bearing in mind that there is a strong presumption against proposals which will adversely affect the special character of a listed building, 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?**

138. In answering question 5, Chancellors are required to consider that the more serious the harm, the greater 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 grade I or II\*, where serious harm should only exceptionally be allowed.

139. As with the removal of the Gallery and staircases, the question of removal of the ground floor pews warrants special consideration under question 5 of the *Duffield* framework and involves difficult and delicate assessments of intangible aspects greater than the sum of the individual qualities of the affected fabric on the one hand or the specific benefits to community and worship on the other. Without articulating this in every degree in this judgment, I have endeavoured to bear in mind these nuances throughout my decision-making.

140. I have concluded that the harm to significance likely to be caused by the removal of the pews will be substantial, and therefore I need to be satisfied not only that the level of benefit that flows from the proposed changes is great enough to justify that, but also, given the combination of grade I listing and serious harm, that this is a case of exceptionality.

141. I accept that the removal of the pews works with other elements of the proposals in a crucial way which is intrinsic to the creation of the open, flexible interior space. The benefits of being able to achieve this, as I find them, based on the unchallenged evidence before me, are these (NB to a large degree these overlap with analysis conducted under question 5 in respect of removal of the Gallery. Therefore, the following merely summarises the headline benefits where there is such overlap. The underlying details may be seen by cross-referencing to the fuller section set out in respect of the Gallery, above):

141.1. By enabling different configurations of seating and occasional clear ground-space, services which are currently unavailable or which are offered but have been impeded in execution or expansion due to the present configuration of the church will be possible. I am satisfied that this cannot be achieved to the extent required by this successful church by partial removal of the pews. The benefits are numerous and significant across the growth and leadership of the Belfrey, missional and worshipping benefits to the congregation and those which flow to the wider community;

141.2. The Belfrey's unusual location adjacent to York Minster makes feasible the ability to offer support and complementary services to the work of the Minster itself;

- 141.3. A Diocese-wide benefit of sustaining and growing work towards a York Diocese priority, namely “*Reaching people we currently don’t*”<sup>22</sup> is enabled by the range of flexible uses to which the church interior may be put following removal of the pews;
- 141.4. Realisation of the Belfrey’s 5 Year Plan with attendant wider significance for the Church of England, particularly in the Northern Province;
- 141.5. Increased accessibility and ease of flow throughout the church;
- 141.6. Aesthetic and architectural public benefits in the form of a return of emphasis to the interior appearance as originally conceived in the early 16<sup>th</sup> century and the echoes of a style of worship which is now resurgent, per the DAC’s references to Anthony Masinton’s PhD thesis dealing with the church’s configuration under the 1525-3 rebuilding.
142. Do these factors amount to a level of benefit great enough to justify serious harm by the removal of this historic fabric? In my view, they do. These benefits represent deeply important progress in the life of this active, growing church. They are also, in my judgment, architecturally appropriate historical steps highlighting continuity of expressions of worship through time.
143. As to whether the serious harm should be permitted on an exceptional basis, given the context of this church as a Grade I listed building, I have had regard to:
- 143.1. The Belfrey’s unusual city centre location adjacent to the Minster which means there is a unique and significant tourist/visitor/student profile with the potential, in my view, to benefit alongside the regular worshipping community in an exceptional way from the improvements contemplated (to which the flexibility envisaged through the removal of pews is pivotal). There is also the unique potential for interaction with the Minster which is likely to prove complementary to both;

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<sup>22</sup> York Diocesan Vision: Living Christ’s Story (refreshed 2021)



143.2. I also repeat my analysis above (Gallery and staircases section) as to the Belfrey's role within the Church of England and the Northern Province in particular, and the capacity for this church to be a beacon of leadership which also render this an exceptional case.

144. Taking all of the above matters into consideration, I conclude that the public benefits that will result from the removal of the ground floor pews (excepting the loose benches) are powerful and wide-ranging. They are sufficient to outweigh the strong presumption against the proposals which arises because they will seriously adversely affect the special character of this grade I building. I am also satisfied, given that serious harm should only ever be permitted in the case of a building of grade I listing in exceptional cases, that the nature of the benefits to be derived from the proposed changes, in combination with the unique location and important role of this church, mean that this is such a case.

#### **Creating a flexible meeting space**

145. Flexible meeting spaces are provided for by the removal of the pews, the design of the new gallery and the narthex reordering, as well as through the creation of meeting rooms for children's work, prayer and pastoral work which is envisaged under proposed changes to 12 Minster Yard, along with the creation of a vestry. Accordingly, the assessment of whether or not creation of such a space is appropriate is considered as an integral part of each of those proposals.

#### **Replacing the existing floor with limestone flags, relocating ledgers and installing underfloor heating**

146. Removal of the pews exposes the floor and the proposal is to replace the current floor and pew platforms with a limecrete floor and underfloor heating.

147. There are serious archaeological considerations for this work and there are ledger stones in the narthex (believed to have been relocated from the nave in the reordering of 1867-68) and the nave which are of local historic interest, although it is not disputed that these stones have all been relocated several times before. (I am grateful for the informative Condition Survey by Graciela Ainsworth in assessing the ledgers). There is also the mensa stone,

thought (it is not known for sure) to be the Medieval mensa of the Minster's high altar reputedly relocated in 1617. If so, I am informed that it is one of the most significant altar components in York. The mensa is the oldest in-situ part of the floor and a GPS survey revealed that it may cover a burial vault. As such the mensa is the main area of interest in terms of the flooring. There is no proposal to move the mensa, rather the proposal is to carefully conserve it in situ.

148. In assessing the proposals for works to replace the floor, introduce underfloor heating and move the ledger stones I have had regard to the two Geophysical Surveys by Dr Masinton and by Magnitude Surveys Ltd and the on-site archaeology reports appended to the Statement of Significance.

**Question 1: Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?**

149. No harm attaches to the proposals for the *in situ* conservation of the important mensa stone, in so far as that is achievable. Rather the proposed works are highly beneficial, both to the significance and longevity of the stone and the historic interest for the church.

150. The wider flooring consists of pew platforms in the nave and aisles and repaired patchwork encaustic chancel tiles. The tiles are cracked and uneven, causing trip hazards in the present interior. Although I do not consider that the loss of these elements will, of themselves, result in harm to significance, their replacement by the proposed limecrete floor surface will lead to a notable change of appearance and may be said to be a harmful impact of the proposed re-ordering.

151. Movement of the ledgers carries with it some risk of harm to significance, which is considered further below.

152. As to the archaeological impact of the proposed works to the floor, it is in the nature of under-the-surface works that the archaeological implications are, as yet, uncertain despite extensive archaeological surveying and consideration of this aspect. I consider that the unknown scope of the archaeological implications are also potentially harmful to the significance of the church and require assessment under question 2.

**Question 3: If the answer to question 1 is “yes”, how serious would the harm be?**

153. Concern was raised by SPAB, in particular, and also by the CBC about the initial proposed relocation of the ledger stones to a grouped location in the north-east of the church. This was likely to be an area of high footfall and equipment moving and SPAB was worried about the risk of permanent damage to the stones. The Victorian Society regarded that proposed treatment as “dismissive” of their significance and commented that there was a missed opportunity to bring them to greater prominence in a more sympathetic interior adaptation.
154. Taking these valid criticisms of the plans for the ledger stones into consideration, the parish has now altered its proposals for the relocation of the ledger stones so that they will no longer be grouped in the high traffic of the north-east of the church, but rather they will be relocated along the external wall of the aisles to make viewing easier and avoid the impact of wear and tear. They are to be repaired and protected, the CBC’s advice on this having been factored in. Taking these points into account together with the fact that the stones have been relocated many times, I am satisfied that the risk of harm to significance is minimal.
155. There is nothing before me to suggest that any significant harm, historic, architectural or aesthetic, will be caused by the replacement of the current internal flooring. Although its replacement by a uniform and level limecrete floor surface will lead to a notable change of appearance, the significance of the present flooring in terms of the pew platforms in the nave and aisles and the damaged patchwork of repaired chancel tiles is, overall, low. It is therefore the overall aesthetic effect of a replacement uniform surface which may be said to give rise to some harm through a loss of interest and variation. However, I find that this will be mitigated by the cohesive appearance of the proposed new flooring and its harmonious design impact within the re-ordered interior. Overall, therefore, I consider that harm, if any, from these proposed changes will be minor.
156. As to the introduction of underfloor heating, this has been carefully assessed and there is no evidence that this will harm the church or impact upon its significance.

157. The archaeological implications of the proposed floor works have been assessed as far as possible during the planning stages for the re-ordering. It is acknowledged that the archaeological potential at the Belfrey is not fully understood and there have been only limited historical archaeological interventions at the site so far. It has been noted that the floor level is of interest because it has not built up over the years, suggesting that archaeological layers are likely to be relatively close to the surface, and that there is an absence of Victorian deposits at the site. In terms of assessing the possible harm from the proposed works a number of expert assessments and surveys, including a Ground Penetrating Radar survey in 2010 and a further such survey in 2019, have revealed the presence of location of four areas of voids, thought to be graves, and the chancel area with far fewer likely below ground archaeological deposits than elsewhere. Potentially important though this is, it is not prohibitive of development of the site, provided that suitable archaeological oversight and planning operates throughout. The overall conclusion by Dr Masinton, who carried out the 2010 GPR survey seems to me to be sensible: “...*the site has complex below-ground deposits which must be treated in a sensitive manner if any work were to go forward which might disturb it*”.

158. I assess the risk of harm arising from impact on archaeological remains as moderate, based on the likelihood of disturbance of some archaeological matter, but taking account of the cautious exploratory work that has been conducted and the effects of the addition of an appropriate condition for a written scheme of investigation to be produced, in consultation with the Diocesan Archaeological Advisors, I consider that any risks are sensibly manageable with careful and expert archaeological oversight.

**Question 4: How clear and convincing is the justification for carrying out the proposals?**

159. The parish has provided very cogent justifications for carrying out the works to flooring, as amended. Perhaps most significant is the fact that the replacement of the existing floor is “*inextricably linked to other aspects of the project*” (as SPAB commented), such that the proposals become a necessity in the context of other works which are justified by the planned increased and flexible usage of the re-ordered church. The other principal justification is that of improving accessibility throughout the church, and I find this to be well evidenced, noting numerous examples of hazards under the present uneven arrangement. There are also additional benefits, including the complementary

appearance of the new flooring surface to the modernity of the new additions to the church interior, the improvement of the welcome into the church by the cohesive revised internal appearance and the facilitation of underfloor heating.

**Question 5: Bearing in mind that there is a strong presumption against proposals which will adversely affect the special character of a listed building, 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?**

160. In answering question 5, I must consider that the more serious the harm, the greater the level of benefit needed before the proposals should be permitted. In this regard it is relevant that I have found variously minimal, minor and moderate harm by aspects of the work to the floors, rather than any serious harm.

161. In considering this question it is difficult to consider the floor works in isolation from either the benefits or the impact of the overall re-ordering, given the interconnection of aspects of the works and the pivotal role that the replacement of flooring plays in the designs. I have therefore drawn on factors set out in greater detail elsewhere as to the broader implications of the works and the significance of the building as a multilayered, historical place, including intangible and experiential aspects.

162. However, on balance I consider that both the inevitable necessity of works to flooring following the removal of pews and the public benefits, in particular the accessibility benefits flowing from the replacement of the floor, outweigh any presumption in favour of retaining the existing floor.

163. As to the mensa stone, given its significance and given the lack of certainty at this stage over the extent of archaeological deposits under the floor (and I note that retention of the mensa stone *in situ* might be affected by works proposed in relation to installing a full-immersion font, given the greater depth of digging required), it is, in my judgment, appropriate to add a condition that in the event that archaeological issues relating to the stone's foundations are revealed, or if, for any other reason, retention of the mensa *in situ*, or *in situ* conservation, proves impossible or inadvisable, works on the stone shall cease pending further consultation with the DAC.

### **Introducing a modular stage**

164. Live music is a crucial part of the worshipping life of the Belfrey community. Although a number of alternatives were aired at preliminary stages, including having musicians off to the side during services, provision of a suitable stage was a requirement that came through powerfully during consultation with the worshipping community.
165. Recognising the need for staging to work within the flexible internal space by being put away when not in use, rather than left out permanently (and the risk of this happening has been carefully assessed by the DAC and found to be negligible, which I am content to accept) the congregation and PCC developed a module layout for staging which will be adapted to the event or type of service. For example, a large platform will be in use for Sunday services, whereas a smaller platform will be in use during weekday services. The stage modules are stackable with the large modules being stored neatly against the south wall when not in use and the smaller modules stored under the stairs in the north aisle (instruments, including a digital drum kit replacing the full drum kit presently in use, will also be stored in cupboards when not in use).

### **Question 1: Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?**

166. These proposals are well thought through and neatly designed for maximum practical use and minimal impact when not in use. The staging modules are also removable with, consequently, no lasting impact on the interior.
167. I consider that this aspect of the proposals is well designed and beneficial and that it has no impact upon significance.

### **Question 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.**

168. The presumption in favour of leaving things as they stand is rebutted in this case by the inadequacy and inflexibility of the existing staging, as compared to the modern and flexible design of the new which will support different configurations of seating in the newly

ordered nave and aisles and will facilitate the delivery of live music, which is of key importance to the Belfrey community's worship. The staging will also assist in the content delivery of services and the improved interaction between worship leaders and congregation.

### **Upgrading the AV system**

169. Worship at the Belfrey is modern and interactive in style, with an emphasis on music and visuals. The updating of the existing dated AV system, which includes a new desk, monitors, screens and discreet placement of wiring, is an important part of enabling the church to deliver its aims. The amenity societies raised a number of issues as plans developed. Chief amongst them was the Georgian Group's objection that the placement of a permanent screen at the east end of the church would block the fine and important Etty reredos and altar rails which are being retained and are important for providing character and maintaining historical interest within the interior. There was also concern at the risk that there might be intrusive attachment of AV equipment to the columns in the interior of the church. Several iterations of improved AV facilities have since been mooted and there has been responsive dialogue between the amenity societies and the parish which has resulted in a final iteration of proposals which appears to address many of the chief concerns that have been raised.

170. In or around December 2022 the location and configuration of the proposed AV and lighting scheme was reviewed in depth with the DAC, resulting in amended proposals with AV equipment fixed to poles that can be incorporated into the new floor with minimal attachment to columns. There is also a screen at the east end which, although it will intrude into east-west views of the Etty reredos and railings when in use, will be retracted and descended when not in use and is "not prominent", according to the favourable assessment of the CBC. The CBC reviewed all of the detailed plans and concluded that the final designs for the AV equipment as a whole are "*not visually intrusive along the east-west axis when not in use*".

**Question 1: Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?**

171. The revised plans address concerns and will not, in my judgment, have a harmful impact on significance (noting in this regard that the AV equipment is removable, discreetly designed and positioned and generally retractable or movable).
172. There is one further aspect which requires further consideration, namely the proposed blinds to the clerestory and west windows which are included as part of the AV planning in order to reduce light which would otherwise affect screens. The proposed designs feature blinds for the clerestory window which are invisible when not in use and which, when needed, rise up from the bottom, and a weighted tracker blind for the West window which would fall from the top of the window. The CBC has expressed concern that, if poorly managed, the blinds would detract visually from the redesigned interior and considered that no strong justification had been put forward for their introduction.
173. I am informed by the petitioners that the light levels in the Belfrey during spring and summer mean that screens cannot be seen. Currently this problem is addressed by hoisting makeshift bits of material onto hooks high up in the windows. Clearly this is a wholly unsatisfactory solution and one which will not work with the clean and modern aspects of the re-ordered interior. I consider that to be a well made out justification for the introduction of the blinds, but in any event I do not consider that there is any basis to consider that the blinds, which will be invisible when not in use, will harm the significance of the interior nor any evidence that there is a real risk of poor care for the blinds likely to result in an appearance which would detract from the church's interior (in fact the care taken over the planning stages suggests entirely the opposite conclusion).

**Question 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.**

174. I have concluded that the introduction of the AV system and the associated introduction of the blinds are not harmful to significance. I am also satisfied that the presumption of leaving things as they stand is rebutted in this case by what I find to be a need to ensure that a modern interior, serving major community, congregational and leadership needs, is complemented by a suitably effective and modern AV system, and further to ensure that



the use and enjoyment of that system is not derailed by glare from the sun, or spoiled by makeshift solutions to prevent glare affecting viewing.

### **Replacing internal lighting**

175. The reordering necessitates the replacement of internal lighting.

### **Question 1: Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?**

176. The scheme proposed is thoughtful, clearly articulated, discreet and environmentally conscious. No objections have been raised in respect of it and there is nothing in the proposals that will harm significance. It will plainly be of benefit to the church to have effective lighting of this type in place and an enhancement to appreciation of the interior. Question 1 of the Duffield questions is therefore answered “no”.

### **Question 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.**

177. It is not possible to retain the status quo given the scale of reordering, nor would it be appropriate to as lighting should complement the interior setting. Accordingly the presumption in favour of leaving things as they stand is rebutted and the lighting proposals are permitted.

### **Installing a hydraulic full immersion and wheelchair accessible baptism pool**

178. The re-ordering proposals incorporate a full immersion baptism pool in the nave. The pool will be operated hydraulically with steps at one side and it will be wheelchair accessible. This is a striking, unusual feature and particularly important element of the plans for this church community. It is intended to support the existing (significant) number of full immersion baptisms and affirmations and to accommodate growth from the Belfrey and provide outreach to other churches.

179. Four principle issues have been raised at various times in relation to the full immersion font:

179.1. Its location in the nave. In particular, at various points in dialogue, the CBC requested that consideration be given to locating the baptism pool in, or nearer to, the proposed new welcome area at the west end of the church. This suggestion is in line with Canon F1 which states: “*The font shall stand as near to the principal entrance as conveniently may be, except there be a custom to the contrary or the Ordinary otherwise direct; and shall be set in as spacious and well-ordered surroundings as possible*”. In keeping with the parish’s responsive approach, proper consideration has been given to this issue. The outcome is that the parish have decided to request that the baptism pool be left in its proposed position in the nave, despite recognising that this may be a deviation from the basic position under Canon F1. The request is made because the nave is the most practical location given the evidence of use, which I have assessed and accept, namely that several baptism candidates will be involved on each occasion of baptism, supporters surround the candidate and there is often a large congregation on these occasions. I accept the evidence before me of these factors and I agree that they make a location closer to the west door infeasible. Given that the wording of Canon F1 requires the font to be located as near to the main entrance “*as conveniently may be*”, I consider that the proposed location is, in fact, compliant with Canon law. I note that the CBC is also now content with the proposals as to location;

179.2. The position of the oval pedestal font over the immersion font. The CBC has requested that this be the normal position for the font bowl, but capable of removal to a fixed location when its presence would interfere with the use of the interior space, in order to provide the strongest visual reminder of baptism, given that the pool will be covered flush with the floor when not in use. This appears to me to be an appropriate suggestion and it appears that, after initial consideration, the parish have accepted this. I note that the presence of the font under the floor will also be indicated by a different texture of flooring in the shape of a cross with the font at its centre;

179.3. The potential archaeological impact. The excavation of a pit deep enough to accommodate the full immersion font is the deepest point of below ground-work proposed and introduces the risk of encountering significant archaeological remains, potentially (although this is by no means certain) from as far back as Roman times;

179.4. The final area of contention has been as to the need for full immersion baptism. Justifications for the proposed works are considered further below.

**Question 1: Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?**

180. As with other aspects of the proposed reordering, the impact of introducing the full immersion font is inextricably linked with other radical changes to the interior. Whether considered in isolation or as part of the wider works, in my judgment the change of character resulting from the introduction of a full sized hydraulic full immersion pool in a central location will have some harmful impact on the historic and architectural significance of the church interior as presently assessed.

181. The potential archaeological impact, too, is arguably harmful given the depth of the pit required and the risk of disturbing ancient material. This presents an obvious risk to the continuity of works and risk to important historical material. Although neither risk is directly linked to a risk to harm to significance, there may be a knock-on effect from either in terms of potential requirements for further interventions.

**Question 3: If the answer to question 1 is “yes”, how serious would the harm be?**

182. The change of character of the interior resulting from the introduction of a full-sized immersion font might legitimately be considered harmful as it will introduce a new and modern design element to an historic interior, and in doing so necessitates removal and loss of some layers of historic fabric during its construction. However, it will also introduce an enlivening, joyful and interesting feature, declaratory of faith in God, into the heart of the church building. Its design is harmonious with the rest of the interior and its impact will be significantly mitigated by the fact that, when not in use, the font will be covered and is set into the floor.

183. The archaeological impact is capable of being managed to an acceptable degree by a requirement for an archaeological scheme of investigation to be drawn up in conjunction with the Diocesan Archaeological Advisors which will set the parameters and the requirements of an archaeological watching brief. This will monitor in-ground works and enable appropriate action in response to any findings, including extraction or recording. A risk remains that there may have to be some reconsideration of the location of the font, depending on what is encountered.

184. These factors lead me to the conclusion that any harm caused by the introduction of the full immersion font will be less than substantial in degree.

**Question 4: How clear and convincing is the justification for carrying out the proposals?**

185. The parish has consistently expressed a clear wish for full immersion baptism. The CBC sought further facts and details as to justification and the parish has produced this. The evidence before me, which I find supports the proposals, is as follows:

185.1. For the last 50 years the Belfrey has offered full immersion as the main mode of baptism for both infants and adults. More adults than infants are baptised;

185.2. In a 10 year period the Belfrey has had a total of 351 baptisms, reaffirmations or dedications (173 young people and adult baptisms, 57 infant baptisms, 102 adult reaffirmations of faith which have involved baptisms, plus 19 infant dedications or thanksgivings involving water);

185.3. In 2022 there were 33 baptisms including adults, infants and reaffirmations of faith. At least 90% of the baptisms conducted by the Belfrey are full immersion;

185.4. At least 25% of people are baptised or reaffirmed after attending an Alpha Course (the Belfrey is currently running its 4<sup>th</sup> and 5<sup>th</sup> Alpha Courses since September 2022 and the reordering works will enhance its ability to run these courses);

185.5. The Church of England has introduced liturgy to support reaffirmations of faith which has led to the Belfrey conducting a significant number (see above), all of which request full immersion baptism;

185.6. In order to provide full immersion under current arrangements requires the setting up of a temporary baptistry in church (this currently happens on a monthly basis). It is argued by the parish that including a permanent and well designed immersion font in the re-ordering of the church will allow it to embed this ancient practice in the fabric of the church building, which is regarded as of both symbolic and practical importance;

185.7. Whilst the archaeological implications require careful monitoring, as set out above, the depth of the pool has been carefully calculated to minimise the likelihood of disturbing Roman remains.

186. I am satisfied, on the basis of the above, that there is a strong and clearly evidenced justification for the installation of a full immersion pool. The fact that the design has been so carefully produced to ensure that full immersion will be accessible to all whilst also maintaining an attractive appearance complimentary with the rest of the reordered interior further commends and justifies the proposals.

**Question 5: Bearing in mind that there is a strong presumption against proposals which will adversely affect the special character of a listed building, 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?**

187. In answering question 5, I have borne in mind that the more serious the harm, the greater the level of benefit needed before the proposals should be permitted, and my assessment of the harm as less than substantial.

188. The increased opportunities for mission, for reaching others and generating a major new outreach capability for the Belfrey are well evidenced in the materials before me. These provide very significant public benefits which, in my judgment, strongly outweigh any presumption against the proposals.

## **Conserving the stained glass windows and introducing EPG**

189. The Belfrey incorporates a beautiful and highly significant collection of Medieval stained glass (including a fourteenth century east window from the previous church on the site). The Belfrey's collection of windows is thought to be one of the largest of mid-16<sup>th</sup> century glass in any parish church in England.
190. Before turning to the question of the use of EPG to protect the stained glass, for completeness I should address a specific question raised by HE in relation to the ancient windows, albeit not an EPG-issue, namely a request for clarity regarding the need for tubular heaters at the base of clerestory windows. The evidence before me explains that there are problems with down-draughts from the large, single glazed windows in cold weather. Warm air rising to high level from the nave comes into contact with the windows, cools and condenses. The proposal is to activate tubular heaters in cold weather and create an upward convection current to combat the downward cold air current, thus (I find) avoiding the condensation problem. The beneficial effects of this part of the proposals means that any harm caused by the appearance of their installation is negligible and the ordinary presumption in favour of the status quo is readily rebutted (questions 1 and 2 of *Duffield*).
191. Turning now to questions relating to EPG. The starting point is that the glass has been assessed by Professor Lisa Reilly and by specialist stained glass conservators (Barley Studios). Happily, reports confirm that the glass is all structurally sound and generally in good order. However, some ongoing corrosion of the medieval glass of the east window and the beginnings of paint loss to the aisle windows was noted and for these reasons and with the aim of conserving the glass, given its significance, the parish propose (in plans developed with the DAC and conservators) that in addition to the scope of repair and restoration works, there should also be the provision of internally ventilated EPG. Planning permission for the use of EPG has been granted, with a proviso that the conservation officer see a sample of the glazing to be used.
192. The SPAB are concerned about potential detrimental impacts from EPG on the ancient glass, in particular on the appearance and fabric. It considers that there has been insufficient assessment of the underlying causes of deterioration and of the possibility of resolving the

issues without the use of EPG. The CBC supports the use of EPG to ensure conservation of this important collection, but also considers that fuller details of proposed glazing conservation are needed. HE has suggested that consideration be given to replicating the pattern of the stained glass in EPG.

**Question 1: Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?**

193. The introduction of EPG is likely to alter the external appearance of the stained glass windows. However, the expert stained glass conservator, supported by the DAC Adviser, has carefully selected the particular form of EPG specified for the Belfrey because it allows the windows to be read well internally. Whether the overall aesthetic impact is in fact harmful may be said to be a subjective matter, but in any event, mitigation of the aesthetic impact has, I find, been included at the planning stages. The introduction of EPG is strongly advised by both the specialist conservator and the DAC's specialist stained glass adviser as necessary in this case to prevent deterioration of the important and ancient windows, and, following investigation and debate, this has been agreed by York City Council. If the windows are allowed to deteriorate there would be an inevitable and profoundly damaging impact on the church's significance.

194. Despite this, on balanced consideration I consider that the introduction of EPG - leading to a likely change of external appearance - will be of some aesthetic harm to significance.

**Question 3: If the answer to question 1 is "yes", how serious would the harm be?**

195. In assessing the level of harm likely to be caused by the introduction of EPG, I note that the installation is a reversible intervention to the architecture of the building, and the aesthetic impact of the change in the external appearance is mitigated through appropriate choice of the outer protective layer. The evidence before me includes the views of the specialist conservator and the DAC's specialist stained glass adviser that the aesthetic impact of EPG in this case will be substantially mitigated, including by:

195.1. The use of kiln distorted glass which cuts down on reflectiveness;

- 195.2. The use of large format panel EPG to promote light transmission and prevent shadowing on the stained glass from the EPG;
- 195.3. Visual improvements will be made to the windows requiring safeguarding, including reducing the visual impact of heavy leads, stabilising failed edge bonds and backplates. This, I find, will have an additional mitigatory visual impact on the external appearance of the protected windows;
- 195.4. I also note that, if necessary, it is possible to introduce further non-invasive treatments, such as cold painting to replace lost or faded painted detail, to enhance the visual appearance. York is an international city of excellence for stained glass conservation, the University is the world leader for the teaching of stained glass conservation and Barley Studios, leading the work on the Belfrey's stained glass, is an internationally recognised leader in the field, meaning that there is no shortage of local and readily available expertise to ensure that if additional mitigations are required, they can be addressed;
- 195.5. The evidence before me includes reference to the fact that EPG has been used with significant success elsewhere in York including at York Minster, All Saints North Street and St Denys, Walmgate.
196. Although the SPAB expresses concern about a change of external appearance its concerns do not expressly encompass recognition of the mitigation steps above, which the parish has, on advice, incorporated in its planning (and set out in the Statement of Significance).
197. I consider that, taking all of the above into account, the harm that is likely to be caused by the introduction of EPG to the stained glass is aesthetic in nature, reversible in effect, significantly mitigated by measures the church has thought about to achieve the best possible visual outcomes and, consequently, is low level.

**Question 4: How clear and convincing is the justification for carrying out the proposals?**

198. The parish specifically identifies "structural repair works" as its primary need in its Statement of Need and, drawing on the outcome of the survey of the stained glass, includes



the repair and protection of the windows within those works. The proposal to introduce EPG is identified by the DAC Stained Glass Adviser as “critical and central” to the protection of the unique and important assemblage of windows at the Belfrey.

199. Although the windows have been found to be in generally good condition, I accept the evidence before me explaining that the whole point of EPG is to introduce a preventative conservation measure. In a scheme of this size and this importance it would, in my judgment, be a wasted opportunity if the windows, once conserved, were placed back into an environment which may eventually cause them to deteriorate.

200. The moisture-based cause of deterioration has been considered and alternative solutions for dealing with it have been evaluated. In particular, I note that double glazing insulation was considered as an alternative but rejected on the basis of poor outcomes seen in European churches where condensation was shifted to other surfaces, causing problems elsewhere. The likely benefits of EPG in the present scheme, as I find them, include that, whilst it is not possible to totally eliminate damaging moisture affecting the stained glass, it will be possible to manage the surfaces on which it settles and therefore to manage its removal from the building effectively.

201. I am satisfied that the introduction of EPG is not only recommended for the protection of such an important collection of glass by the expert conservators and DAC (in both cases very strongly), but also acknowledged as an important form of protection in national guidance produced by HE and international guidance produced by the Corpus Vitrearum.

202. I am, on the basis of the above, satisfied that very clear justification has been provided for the introduction of EPG and for the repair and conservation work to the windows in general.

**Question 5: Bearing in mind that there is a strong presumption against proposals which will adversely affect the special character of a listed building, 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?**

203. In answering question 5, I have borne in mind both that the more serious the harm, the greater the level of benefit needed before the proposals should be permitted, and that my

assessment of harm in respect of this aspect of the work is that it will be minor. I am satisfied that the importance of protection and conservation of the deeply important and historic stained glass is of the utmost importance and of significant public benefit in terms of retention of historic material and the safeguarding of these precious assets, outweighing the minor aesthetic harm which may persist despite the measures of mitigation the petitioners are able to deploy. Accordingly, I will permit the works to the stained glass as proposed.

### **Introducing vestry, meeting rooms, kitchenette and WC facilities in 12 Minster Yard**

**204.** 12 Minster Yard is owned by York Minster and is currently used as the Belfrey's offices. It falls outside the faculty jurisdiction, but there is a rectangular shaped section between the Belfrey and 12 Minster Yard (immediately behind the reredos and a "hidden" door at the east end) which does fall within my jurisdiction and forms part of the proposals for change to 12 Minster Yard which include the introduction of a vestry, meeting rooms, a kitchenette and WC facilities.

### **Question 1: Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?**

**205.** To the extent that this falls within my jurisdiction, then, I am satisfied that this uncontroversial aspect of the proposals will not impact upon significance. It will have a tangential but important effect on the wider internal reordering proposed to the Belfrey as it forms part of the creation of three additional meeting spaces, especially useful for youth and children's work (currently carried out in off-site locations raising safeguarding issues), a new vestry, crèche and pastoral space, storage and toilet facilities, all of which are integral elements of the planned overall reorganisation and improved use of the church. But the rectangular space affected is not of special importance, especially as it is not visible from the interior or exterior of the church. In these circumstances I do not consider that any harm to the significance of the church will result.

**Question 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.**

206. Creation of new facilities in the rectangular area in question as part of the renovation and redesign of 12 Minster Yard, including toilets, vestry etc brings a number of significant advantages to the Belfrey. These include facilitation of safeguarding of children and young people; improved facilities and accessibility for visitors to the church; facilitation of worship by provision of a suitable vestry. These benefits strongly rebut the presumption in favour of “leaving things as they are” and I conclude that this aspect of the works, too, should be permitted.

**Inserting an exit door at the East end**

207. It is proposed that a new opening be formed between the church and 12 Minster Yard under the north east window. The aim is to provide access to the facilities (described above) to be located in 12 Minster Yard.

**Question 1: Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?**

208. Although the east wall is made up of 14<sup>th</sup> century fabric and these proposals will result in a limited amount of historic fabric impact, nonetheless I do not consider the intervention will impact upon significance. I conclude this because (i) the work involved is simple and limited; (ii) a Listed Building Consent was previously granted for an opening within this wall; (iii) the east wall south aisle side contains a blocked window and the north wall contains a blocked door and throughout the history of the building new openings have been made and others blocked off; (iv) although the masonry which will be lost is historic in nature it is of plain ashlar and will in any event be recorded and carefully set aside for use in the repairs, therefore not lost to the building. In these circumstances I do not consider that any appreciable harm to significance will be occasioned by the proposals.

**Question 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.**

209. The advantages of introducing the proposed new doorway are it will provide full access to the facilities in Number 12, including toilets, vestry etc; it will facilitate safeguarding by ensuring easy access to areas for carers to areas where children and young people are being supervised; ease of circulation and accessibility improvements will support the operation of the church. I consider that these benefits amply rebut the presumption in favour of “leaving things as they are” because the requirement for easy and direct access to the facilities, in particular the toilet, meeting rooms and vestry areas, is so great and will be lacking in the absence of the introduction of the door. I therefore conclude that the ordinary presumption is rebutted in this case so that the creation of the new east door may proceed.

#### **Installing air source heat pumps**

210. The Belfrey’s current heating system is said to be inadequate, and this is supported by the evidence before me. It is proposed to replace it and to power the new underfloor heating system from air source heat pumps, to be installed within a metal clad enclosure to the south east corner of Number 12 Minster Yard, largely hidden from Minster Yard views. The noise of the heat pump and its visual impact have been agreed with the Local Authority and York Minster as being acceptable. Supplementary heating is to be provided by radiators around the walls, powered by modular gas boilers located in the same place as the existing boiler, namely in the basement at the west end of the church. (I am pleased to note that in order to minimise the environmental impact of boiler installation it is proposed that these be fitted with a cascade control system and with an automatic change over switch, which will ensure that the minimum boiler power necessary will be used when the boilers are engaged, therefore using less gas, and that there is a stand-by capacity in the event of one boiler failing and ensuring that the life of the boilers will be extended by varying the lead boiler). Consideration was given to installing photovoltaic solar panels but this was rejected on the basis of the significant amount of carbon released during their manufacture (however I am further pleased to note that the decision to consider solar panel options is to be kept under review).

211. The proposed new bivalent system using air source heat pumps will, I find, reduce carbon emissions. In doing so it works towards achieving a net zero carbon target in a pragmatic way and is in line with the thorough Sustainability Statement produced by the architects which is before me and which I have read and considered.

**Question 1: Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?**

212. Due to the discreet locations of the air source heat pumps and the boiler, there is no harmful impact on significance of any type under question 1 of *Duffield*.

213. **Question 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.**

214. Given my finding as to the inadequacy of the current heating system and given the environmental benefits which result from reduced carbon emissions under the proposed new system, I conclude that the ordinary presumption is readily rebutted in this case. Accordingly, I will permit the installation of the heating elements.

**Re-covering the roof**

215. The primary aim of the parish is the achievement of necessary fabric repairs recommended in the Quinquennial inspection (and in Peter Pace’s QI report of 2014), including the replacement of the roof, which will contribute to the safeguarding of this historic building. Indeed, the ambitious reordering has evolved out of the need to find an achievable means of ensuring that the vital repair works are undertaken.

216. Extensive surveying has taken place, including a drone survey to understand the extent of the repairs required, a roof timber condition investigation and a design proposal for roof scaffolding to understand the most appropriate structure to allow the roof to be replaced without harming existing fabric.

217. As a result of this preliminary work, the following roof works are proposed:

- 217.1. Replacement of existing lead roof finishes with code 8 lead sheeting on a new ventilated and insulated build up;
- 217.2. Eastward extension of the roof slope at the east end to remove the existing verge gutter and improve detailing;
- 217.3. Provision of a roof entry system;
- 217.4. Repair and, where necessary, replacement of existing rainwater hoppers and downpipes.

**Question 1: Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?**

218. No harmful impact is envisaged and the proposals are not the subject of comment or objection from consultees. To the contrary, the proposed works are likely to be highly beneficial to the church by securing longevity and optimum viable use for the church building. Given the age of the roof, the works will be conducted under cover of an architectural watching brief and I shall include a condition whereby historic fabric from the roof will be preserved by isolating any existing lead from the 1700s identified with signatures and handprints, its careful removal and setting aside for exhibiting to the public.

**Question 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.**

219. The presumption is strongly rebutted in the case of the proposed roof works. The replacement of the roof will enhance the significance of the Belfrey and extend its life. The proposals are also highly beneficial to the preservation of the character and appearance of the York Central Historic Core Conservation Area and the setting of York Minster. Accordingly I will permit this element of the works.

**Carrying out repair and conservation works, external works and introducing floodlighting**

220. The following works are proposed:

220.1. Repairs, fabric renewal and conservation identified in detail in the papers before me (in addition to the roof replacement, see above). These works include significant and sensitive conservation and repair-work to masonry. The range and scope of works are identified and explained in the papers and architectural drawings provided in support of the petition. I note that conservation/repair works are not identified specifically in the list of petition works (I have added them at this point in the judgment as much of the proposed works are external), however their absence from the list, and indeed their position here towards the end of a long judgment, belies the fact that these masonry works are absolutely critical to the proposals. I do not consider that there has been any prejudice to anyone considering the petition as the relevant repairs have been identified and included as part of the petition works since the inception of the plans and it is apparent that all consultees understand the proposed details and the importance that is placed upon this aspect of the proposals by the Petitioners (indeed the DAC, CBC and HE's supportive positions are predicated upon the fact that the re-ordering works also facilitate the repair and conservation works);

220.2. External works including regrading and drainage works;

220.3. Some new external landscaping for the Queen Square area and creation of level access at the west end entrance;

220.4. Introduction of shallow steps to the north and south perimeters of the property, with bench seating;

220.5. The introduction of some LED floodlighting to highlight the building entrance and bell turret.

221. The repair, renewal and conservation work to ancient fabric has long been identified as essential to safeguarding the future of the Belfrey. Indeed, some of the genesis of the ambitious reordering lies in the way in which generous donations have been given to the Belfrey, which enable the necessary repairs and conservation to go ahead but which have

contained restrictions for use tied to reordering. There is no dissent from any of the consultees either from the principle of carrying it out nor the scope or details of execution for repairs to masonry, roofing and the wider conservation of remaining fabric, save that the SPAB indicated that advice should be taken from an appropriately accredited stone conservator to correctly identify the cause of deterioration or damage and to explore the full suite of possible repair options. On that point I am satisfied by the evidence before me that all masonry is to be closely inspected in collaboration by specialists once scaffolding is in place and the windows have been removed and that any sub-contractor appointed for stonework repairs is to be a specialist, as advised by the Conservation Architect in collaboration with the principal contractor<sup>23</sup>.

222. As to the innovative external work proposals as to landscaping and lighting, much work has been done on developing the external works proposals tastefully and sympathetically alongside the Minster and the Minster police, with comments from consultees (notably HE and the CBC) being factored in to the development of proposals to the point where both are now content and offer no objection to the proposed designs.

223. External floodlighting is always a matter which requires careful scrutiny, both as to the net zero carbon implications and as to any potential light pollution, wildlife or nuisance issues. In this case the lighting proposals are:

223.1. Lightscan projector floodlights installed into the base of the bell tower to illuminate the internal surfaces of the bell tower;

223.2. Tesis square or round lights accenting the two buttresses and the main entrance;

223.3. Lightscan projector wide lights accenting decorating stonework detailing and the main stone arch above the west window.

224. I am content, having reviewed the lighting proposals carefully, that steps have been taken to minimise light pollution by reducing light emissions and focussing only on

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<sup>23</sup> I note that some careful preliminary work has been done including samples from the south aisle window surround having been sent to the British Geological Society for review (confirmed as Ketton Stone, which has informed planning and materials).



highlighting the main architectural features of the Belfrey. This has been achieved by adopting a reduced, sensitive approach to the range, direction and amount of lighting introduced, which respects wildlife and neighbours and whilst also ensuring that the lighting does not detract from the significance of York Minster. I was pleased to note the thoroughness of the work in this regard, including an *in situ* demonstration of the proposed external lighting which resulted in an amended and reduced lighting scheme.

**Question 1: Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?**

225. No. The proposals, in so far as the introduction of new aspects (e.g. landscaping and lighting) are concerned, are discreet and carefully developed with particular reference to the historic setting and the impact of the works on both the Belfrey and the Minster. As such they enhance, rather than detract from significance. As to conservation and repairs, it is uncontroversial that the proposed conservation works will better reveal significant masonry, extend the life of the church and safeguard its future.

**Question 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.**

226. The conservation works envisaged within the petition documents are a lynch-pin of the proposals and are self-evidently beneficial to and enhancing of the Belfrey’s significance. It has been suggested (by the Victorian Society) that a proportion of available funding should be ringfenced to cover the costs of fabric and conservation repairs. While I consider that introducing a condition for ringfencing would be likely to give rise to problems, in particular given the present rising costs of materials and labour, it is, I think, right to recognise at the outset that the conservation work planned for the Belfrey is absolutely essential. In recognition of this centrality, I will permit this element of the works and will add a condition that if any material part or parts of the conservation work noted in the documents presented with the petition is not to take place, the whole re-ordering scheme must be re-mitted back to the DAC for re-consideration. This condition is far-reaching and affects all aspects of the scheme. I recognise that it has the potential to cause significant difficulties once the re-ordering elements are underway. Nonetheless the condition remains

appropriate in order that there should be no doubt as to the primacy of the conservation and repair works amongst the innovations elsewhere in the church and in order to ensure that there is appropriate balance between conservation and intervention/impact. I consider that it allows sufficient flexibility of response to ensure that an appropriate reaction can be crafted to address the situation as it exists at the time, albeit always with that primacy in mind.

227. I am persuaded by the evidence before me that the lighting proposal will improve security to this part of the York Central Core Conservation Area and elevate the presence of the Belfrey in a way which assists the visibility and sustainability of the church in the local community. I am also persuaded that the proposed external works are similarly beneficial, enhancing and elevating the appearance, and consequently the significance, of the Belfrey. These benefits rebut the ordinary presumption of leaving things as they stand. I will, accordingly, allow these elements of the proposed works.

#### **The overall impact of the proposed re-ordering scheme**

228. The assessment of individual elements of the existing interior and exterior proposals have been looked at above. As I have noted, the interaction of the elements of the church fabric mean that it is impossible to assess either the contribution of specific elements of the interior, or the impact of the specific proposed change, in isolation from other parts of the church. Each appraisal has, therefore, necessarily sought to use both micro and macro lenses in attempting a thorough appraisal, albeit within the context of a specific item of the schedule of works in each case.

229. It also seems to me to be crucial to step back from the assessment of the specific elements of the fabric and to appraise, too, their collective contribution to the long history, existing character and special interest of the building and assess the overall impact of the ambitious and wide-ranging proposed reordering scheme upon that history, character and interest.

**Question 1: Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?**

230. It is beyond doubt that this is a church of exceptional significance. In part this is because of its historical interest as a multi-phased parish church, with significant elements from numerous periods of construction, restoration and re-working. The SPAB noted, and the Victorian Society agree, that it might be said to be “...*the epitome of a multi-phase building so well characterised by, and valued for, its many layers of history*”. The sequence of change and the relative importance and arrangement of the different elements which make up the whole and their standing in the wider ecclesiological context make significant contributions to this historical interest and importance.
231. Some of the proposals, in particular those relating to the Gallery, staircases and the pews, will denude the church of some of that historic layering, destroy historic fabric and in doing so undoubtedly harm the character and special interest of the building. The plans as a whole manifest a predominantly modern feel, at least when entering from the west end or looking from east to west, in place of what is, at present, unmistakably “old”. The SPAB has articulated this particularly well throughout its consultations in the process leading to the petition. The intangible, numinous qualities that will be lost by that change are rare and precious and add considerably to the impact of the harmful effects of the reordering.
232. Whilst I consider that the Victorian Society’s characterisation of the overall impact of the proposed changes (“...*The scheme does not appear to work with or respond to the historic interior, but essentially replaces it, treating the building as little more than a shell. It would signal a complete and utter change of character and appearance, and at a stroke almost eradicate what the present building makes manifest, that it is the product of several hundred years of continued adaptation and change...probably the most comprehensive and destructive scheme of reordering of a Grade I listed multiphase church interior on which the Society has been consulted for many years...*”) goes too far, nonetheless I agree that such changes as I have singled out are indeed, in places, destructive and that the scheme is extensive in scope. When considered together with all of the other works (relocations, replacements and new introductions of modern designs) the proposals are large in scale, immediately and majorly impactful upon the character of the space, are, in the main, irreversible in effect and are likely to result in the permanent loss of some historic fabric.

233. For these reasons I consider that it is beyond question that the overall impact of the proposed works as a whole will harm significance, albeit that such harm must be properly contextualised.

**Question 3: If the answer to question 1 is “yes”, how serious would the harm be?**

234. The points above as to harm and the scale of change are not, however, the complete picture. To see the Belfrey’s historical and architectural importance as hinging solely on its existing interior fabric, physical manifestations of multi-phased, historical and architectural interest, or even liminal qualities relating to impression, sensory qualities and the patina of age, would be, in my judgment, to take too narrow a view of the significance (in particular the historical<sup>24</sup>) of this special church.

235. The CBC observed the Belfrey’s “...*high significance for mission...*” and the “...*major contribution of this church to the charismatic revival in the Church of England and that its ministry continues in this tradition...*”. HE perceptively noted, in its own assessment of significance, the link between what the CBC has alighted upon with the physicality of the church building, its location and its continuity as a site: “...*the church clearly has very high value as a site with a long-standing spiritual focus for the Christian community*”. The highly unusual combination of the historic setting of its location and the physical presentation of the building – as a smaller, more accessible, but nonetheless beautiful and impressive parish church at the side of the Minster - have fed into the ongoing vibrancy and leadership of the Belfrey’s worship and mission and are, of themselves, important contributors to its historical significance.

236. The impact of losing, replacing or changing the various individual features of the church interior impacted by the plans has been considered in detail. I have studied and considered the broader impact, too, as to the irreplaceable loss of historical fabric, the loss of some of the precious impression of age and history, the radical impact on the way in which the changed interior will be experienced. But in my view these aspects of the impact of the works must themselves be assessed against the enhancement to historical significance that the continuation and development of Christian worship at the site will represent. Also, there must be recognition of some of the mitigating, or arguably even, to a

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<sup>24</sup> I am asked to assess, in particular, the historical and architectural significance by question 1 of Duffield.

degree, ameliorating, historic and architectural effects that will be achieved through the reconnection of the interior to its 16<sup>th</sup> century design as a single hall, emphasising openness, visibility and lightness of structure, with enhanced prominence to the unifying potential of the piers and arcades.

237. Assessing each of these factors fairly is a very difficult task and I have only sought, above, to summarise the depth of thought that has been needed in evaluating each against the other.

238. The outcome of this process is that I conclude that the level of harm that will be effected to the Belfrey by the proposed changes considered as a whole is fairly assessed as substantial.

**Question 4: How clear and convincing is the justification for carrying out the proposals?**

239. The justifications for individual aspects of the work have been considered in detail elsewhere. In terms of the cumulative impact of the works and the justification for carrying out the radical reordering as a whole which is presented in this petition, I have taken account, in particular, of the following evidence:

239.1. The Belfrey has a strong reputation of success in growing its worshipping community, planting churches and developing new leaders. The church family is also generous and makes a notably large parish contribution to Diocesan finances. Its success and vigour as a church community is allied with an unusual demographic, in that 30% of its membership is aged 18-29 years and a further 15% are aged 30-44 years. As a Resource Church it has a direct responsibility for delivering parts of the York Diocese “Multiply” programme, the aim of which is to “reach people we currently don’t”, with the Belfrey focussing, with notable success, on those aged 20-40. It achieves this in part through the vibrancy of its contemporary worship, with an emphasis on music and AV use, strong Bible teaching and nurturing development of people and relationships with the communities it establishes and supports. As it notes in its Statement of Needs, the church has realised these, and many other, impressive achievements in spite of, rather than because of, the limitations of the present arrangements of the church interior (“...*The Belfrey is in the largest 5% of Church of England churches in*

*England and for some time has flourished despite, rather than supported by, its facilities...”), the present interior arrangement having seen no significant reordering since the 1860s. The evidence before me strongly supports a conclusion that the Belfrey is already maximising its potential for existing and new activities but that it is greatly restricted in achieving aims (including for expanding its programmes and activities, offering new styles of worship, sharing its resources for full immersion baptism regionally, and developing its leadership training offerings as set out in its 5 Year Road Map, which I have considered in detail elsewhere). It is clearly established, and not meaningfully gainsaid by any consultees, that the proposals contained in the petition work holistically to achieve these aims. For example<sup>25</sup> the installation of the baptism pool, the provision of level access and underfloor heating are dependent on the removal of the pews, including the collegiate pews. The removal of the pews necessitates the seating in the new gallery. The new gallery requires the removal of the existing Gallery and staircases and the redesign of the narthex becomes possible as a result of the design of the new gallery, and so on. I consider these points to have been extremely well-articulated on the evidence before me and to be persuasive as to the likelihood of achievement;*

239.2. A wide range of alternative options to a full re-ordering have been considered in depth, with the support of design concepts to visualise some of the options, but have been found wanting, leaving the reordering as it is conceived in the petition as the only option which fully achieves the needs the parish has articulated without the drawbacks of the other options. The alternatives that have been reviewed were (in summary):

- a. Building an extension: design options for a west-end extension were reviewed in detail but ultimately were unacceptable to the Minster;
- b. Building down: the risk to archaeological fabric is considered too great for the depth of work that would be required. Plus, early architectural appraisals

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<sup>25</sup> Stated here in broad and illustrative terms only – the details of the individual proposals having been properly evaluated elsewhere in this judgment.

revealed that the option did not generate the space required by the church to achieve its needs;

- c. Rooftop space: feasibility studies revealed that this option was not feasible given the likely limits on the space to be produced versus the financial investment required, taken together with the engineering difficulties involved, the fire risks and statutory and planning elements involved in this way of proceeding;
- d. Phased re-ordering: a phased re-ordering involving the removal of nave pews first with collegiate pews considered for removal later was analysed. The Impact Board set up to oversee the development of ideas for meeting the Belfrey's needs and the Belfrey community itself were against this approach and I find that their criticisms of it and their conclusions are reasonable. I am persuaded that the phased approach is inappropriate because: it would not achieve one of its own aims, i.e. as a mode of testing the need for flexibility (this is because the flexible space made available in the first phase would be substantially encumbered by the retention of the collegiate pews (which occupy around 45% of pewed space in the interior)); the justifiable aims of introducing underfloor heating and relaying the floor to improve accessibility would be disrupted; storage space plans too would not be achievable to the extent required if collegiate pews remained in place; a second period of upheaval and relocation would be harmful to the wellbeing and future growth of the congregation; costs would increase on a phased approach and the terms of a significant donation are predicated on a single phase, whole-project approach;
- e. Identifying additional spaces: feasibility and concept design work were run on 12 Minster Yard and whilst out of that work has developed the recognition that the additional spaces that can be created in that area are critical to supporting the mission and activities of the Belfrey, the redevelopment of those areas alone did not come close to achieving the range of requirements, including capacity requirements, the parish has identified.

Although the consultees have expressed a wish for some of these options (in particular the idea of a phased reordering) to be re-considered and for different conclusions to be reached, there is no meaningful evidence to undermine the evaluative processes and their conclusions and I accept that the foregoing conclusions were reasonable;

239.3. In addition, the more radical alternative of leaving the building altogether has been debated in depth. The following possibilities were evaluated, but found to be unsuitable. I am persuaded on the evidence before me that those conclusions were reasonable:

- a. The Belfrey has St Cuthbert's church and the Belfrey Hall, both in separate York locations, within its portfolio and it was debated whether splitting the church's activities across those venues would suffice for the Belfrey's needs and aims. The very limited space (taken together both locations can accommodate only around 120 worshippers) means that the Sunday services could not be accommodated at all, and it was considered that other forms of worship would suffer from the split locations as has been evidenced in reports of difficulties with conducting children's work on Sundays at alternative sites;
- b. Similarly, hiring a new venue has been contemplated (the target location analysed in particular detail was St Michael, Spurriergate). Whilst some hiring will be inevitable while work to the Belfrey takes place, lack of capacity coupled with drawbacks with interior layouts, heating, the infringement of the use of AV and exceptional music offerings (a key attraction of the Belfrey's worship) and uncertainty of tenure made this an unfeasible long-term solution. In addition, and importantly, becoming a transient church, without a permanent home, was felt to present too great a risk of undermining the sense of belonging and community which is central to the Belfrey's role as a Resource Church;
- c. Consideration was given to establishing a new church in the city and handing the Belfrey over, or alternatively to retaining the Belfrey and running it solely as a heritage visitor attraction. Although at odds with a decision made by the worshipping community over 12 years ago to stay at the Belfrey, some



dimensions of these alternatives appealed. In particular, it was recognised that this would be likely to be a significantly cheaper way forward, with savings available to support the mission of the church and assisting the Belfrey to continue to be a Resource church. However, persuasive anecdotal evidence supported a view that a significant number of church member would leave the church and the Belfrey would need to spend some years re-building its congregation in a new location. There would also be the loss of the historic relationship with York Minster, with the unique cachet that has imparted to the Belfrey and the Belfrey's reciprocal role in supporting the work of the Minster, which is an element and attraction of the life and character of the church. There would also be the loss of significant missional opportunities which arise by reason of the city-centre location as well as deprivation for the city-centre itself through the loss of a vibrant worshipping community. In addition, it was considered that donations necessary for repairs to the fabric of the Belfrey were unlikely to be continued at a sustainable level if the church community were required to relocate and donations were for the maintenance of a building it no longer worshipped in (it was speculated, although not fully analysed, that some existing donations were likely to have been ringfenced for use only if worship were to continue in the existing site). Consequently, although the alternative imposes a greater financial burden on the Belfrey community, the foregoing factors were considered to outweigh the benefits of staying in the building;

- 239.4. The carefully conceived plans for the works and their unique repercussions for the Diocese is the subject of a helpful analysis provided by the Diocesan Secretary and Chief Executive. In it he explains a likely “domino-effect” impact on the York Diocesan Board of Finance in the event that the parish is unable to give effect to the plans in full, or are forced to substantially change them, where the PCC would then be forced to consider whether the project remained economically and operationally viable. In particular, if the church family considered that the constraints on its future mission were too great and were instead to seek to allocate the impact project funding towards the acquisition of a new building, it is postulated that the PCC would need to instigate the statutory processes under the Mission and Pastoral Measure 2018 to close the current church building (a protracted process likely to involve PCC and Diocesan staff), with concerns

expressed about the current ability of a heritage body such as the Churches Conservation Trust to take the church building on (advice having been received that the CCT's future funding is already committed for the foreseeable future), and sale or lease being the alternative. If closure was rejected as an option, the leadership team could, alternatively, decide to step down, leaving a need for the appointment of a new incumbent and new PCC, which would set back plans for growth and delay essential repairs. In weighing the benefits which the proposals would bring against any loss to the historical and architectural importance of the church, I have had regard to this evidence as to the financial viability and wider Diocesan impact if the works were not carried out<sup>26</sup>. The analysis is of assistance in understanding the unique position the Belfrey occupies in the wider life of the Diocese, that there is a significance to the proposed works beyond the worshipping impact and the missional aims of the parish, and in understanding what that impact is likely to be.

240. In my judgment the matters above reveal that the proposed works as a whole are based on well evidenced, clearly presented, cogently argued justifications. These are, ultimately, very convincing in terms of revealing deep links between the church community, its role in the Diocese and the wider Church of England and the need to remain in the building, provided that it is modernised and redesigned in the way proposed. The opportunity for advancement of the church's work would, in my judgment, be lost or significantly diminished by any of the alternatives of relocation, itinerancy or a forced re-working of plans leading to premises which constrain the ambitious plans of the parish.

**Question 5: Bearing in mind that there is a strong presumption against proposals which will adversely affect the special character of a listed building, 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?**

241. In answering question 5 I have borne in mind that the more serious the harm, the greater 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 grade I or II\*, where serious harm should

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<sup>26</sup> This approach was also taken in e.g. *Re Holy Trinity Hull* [2017] ECC York 1

only exceptionally be allowed. In the case of this grade I listed church I have determined that the level of harm caused by the proposed works taken cumulatively is substantial. In this case it seems to me that the degree of loss and extent of harm supports the view that exceptionality must be demonstrated before these works can be permitted.

242. However, I have come to the conclusion that this case is an exceptional one:

242.1. Not only does the Belfrey enjoy unique and unusual aspects (leaving aside the specific elements of the fabric isolated for consideration elsewhere in this judgment) drawn both from its distinctive and important location, its physical presence and, in terms of mission and worship, from its community;

242.2. But also the degree of public benefit likely to flow from the ambitious and exciting designs appears to me to be well out of the ordinary.

243. In terms of the physical, the fact that this is city centre church sits at the foot of York Minster, with high footfall, unusual levels of missional opportunities and a strong inter-relationship (visual, spiritual and practical) with the Minster make it a highly unusual parish church. As does the fact that there is evidence that there may have been a church on the site from the late Roman period, with documentary and archaeological evidence of an Early Medieval church. The evidence before me expresses the view that the current community of worshippers is highly cognisant of its place in that continuous line of worship and the unique setting of the building, and that adapting to ensure future continuity and growth *in situ* is a key driver for the proposals as they have been developed.

244. In terms of the community, as explained above the Belfrey has a dynamic and important profile within the Northern Province, and indeed the wider Church of England. This arises as a result of its young demographic, contemporary emphasis and reputational success for planting and leadership. It plays a significant part in the life of the Diocese and its surefootedness in maximising its potential so far, despite the (as I find) well evidenced physical limitations of its internal space, gives evidential credence to the predictions the Belfrey makes for its own future path. There are, in my judgment, likely to be significant benefits to (e.g.) the growth of the regional and national Church of England through church planting in the Northern Province, leadership development, youth work, outreach,

accessibility, sharing resources, community service and financial contribution to the Diocese if the works envisaged are permitted.

245. These are exceptional levels of public benefits which, in my judgment, outweigh the harm that will be caused to the significance of the building in the execution of the works.

### **Conclusion**

246. This is a petition of the highest quality. It contains an exceptional level of detail and analysis. The care and depth of thought with which the Petitioners, the parish and their design team have approached this project over many years is evident in every aspect of the proposals and they have demonstrated an impressive degree of responsiveness and collaboration in the development of the plans.

247. Despite all of those elements, this is nonetheless a very challenging petition.

248. The architectural and liturgical legacy of this ancient and multi-layered church is a distinctive reflection of tides of religious and doctrinal change that have enriched it over hundreds of years. In this case there has, in my judgment, been a notably dedicated attempt by the whole Belfrey team and its advisers (encompassing all involved at each stage) to understand and articulate fairly and dispassionately the complex and multifaceted significance of the building. But it is unquestionably the case that the works proposed will result in the irretrievable loss of some of those layers history and that the addition of much that is striking and modern will change the qualities of this building and impact upon its historical and architectural significance. Impact of this type is inevitably a matter for extremely careful consideration and, where losses are justified, for significant regret.

249. In my judgment, though, the impact in this case is mitigated by the high quality and vision of the design, which propels the church forwards with modernity and originality and does so without leaving behind the initial idea of origin and heritage. By doing so the design brings in a pivotal quality to an ancient, historically important space which has overseen centuries of Christian life and will now retain the church family *in situ*, allowing for ongoing pride in its home-base and the continuation of the historical thread of worship. The numinous qualities of the church will change and will be experienced differently by

visitors, but solace, sanctuary and spirituality are expressly retained and refreshed within the design and the lifecycle of the church as a living building will be preserved.

250. Taking all of the considerations I have set out at length in this judgment into account, I am satisfied that the impacts to the building as it presently stands have been the subject of most careful thought and refinement and that they are justified by what I have found to be well-evidenced, credible enhancements to the vibrant life of this church community and the advancement of important, wide-ranging contributions this church makes locally, regionally and nationally. A compelling case for advancing Christian ministry has been presented and I conclude that all of the works proposed in this bold and innovative scheme should be permitted, subject to the conditions which I attach in an annex to this judgment.

251. A faculty shall therefore issue, with the time for completion of the works being 60 months from the date of issue of faculty, or within such extended time as the Court may allow.

252. 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 in the years to come.

**18<sup>th</sup> August 2023**

**Lyndsey de Mestre KC**  
**Chancellor**

## **ANNEX 1: CONDITIONS OF GRANT OF FACULTY**

- (1) If any material part or parts of the conservation work proposed as part of the faculty petition is not to take place, the whole re-ordering scheme shall be remitted to the DAC for re-consideration;
- (2) The parish shall seek the Church Architect's input as to the conservation work proposed and as to any implications the proposed scheme might have for future building maintenance practicalities;
- (3) All specifications for roof repairs shall be agreed with the DAC Advising Architects or specialist Advisers at the point of production;
- (4) The specifications showing final materials for external glazing works shall be reviewed and agreed by the DAC Stained Glass Adviser;
- (5) The specifications for masonry repairs shall be sent to the DAC Advising Architects for review and agreement prior to commencement;
- (6) The project architects to provide the information relevant to the bell installation to the DAC Bells Adviser prior to tender issue and all specifications and works shall be agreed with the DAC Bells Adviser prior to signing contracts;
- (7) The project architects shall confirm with the DAC sub-committee the type of stone for external paving;
- (8) The project architects shall confirm the gap between the timber seat and stone plinth of the external bench seating;
- (9) The PCC shall give consideration to including soft planted areas in the external landscaping;
- (10) The colour of the ceiling acoustic panels shall be agreed with the DAC sub-committee;

- (11) Calculations used to reach a decision as to the thickness of the new stone flooring shall be submitted to the DAC Advising Architects for review and approval;
- (12) Details of the new electrical main serving the church and 12 Minster Yard shall be provided to the DAC Electrical Adviser for review and approval;
- (13) Each zone of underfloor heating shall be laid in one continuous length of pipework without any buried joints. In the event of any damage or accidents to pipework before screed is laid, the whole zone shall be replaced. The coils shall be pressure tested, prior to covering, to at least twice the working head for a period of two hours and a signed and independently witnessed test certificate issued. Should a pipe be damaged after the screed is laid, a drawing shall be provided to the DAC, the project architects and the Diocesan Registry showing the location of the joint and a plan agreed for remedial work;
- (14) A cascade control system and automatic change-over switch shall be fitted to the modular boilers for heating radiators;
- (15) The heating specification shall state the temperatures to be achieved in the various areas of the church, against an outside temperature;
- (16) Drawings and specifications for plant rooms shall be submitted to the DAC Heating Adviser for inspection and approval;
- (17) A sample of the EPG glazing to be used shall be provided to the Conservation Officer of the City of York Council prior to commencement of the addition of EPG to the stained glass;
- (18) Roof replacement works are to be conducted under cover of an architectural watching brief which shall ensure that historic fabric from the roof will be preserved. In particular, any existing lead from the 1700s identified with signatures and handprints shall be carefully removed, recorded and set aside for exhibiting to the public;

- (19) A Written Scheme of Investigation (“WSI”) in respect of those works with potential archaeological impact, to include careful and expert archaeological oversight of the works, shall be produced in consultation with the DAC Archaeology Advisers;
- (20) Once the sub-contractor has been confirmed for memorial conservation (i) a method statement shall be provided to the CBC for approval before conservation of the Squire Memorial commences; (ii) a WSI in respect of all conservation works shall be produced and reviewed by the DAC sub-committee; (iii) a watching brief shall be included in any relevant methodologies to cover the possibility of encountering wall paintings upon the removal and relocation of wall memorials;
- (21) A WSI for works to interior furnishings shall be produced. A minimum of Level 2 of HE’s building recording guidance shall be included in the WSI and the Church Buildings Adviser shall approve this document prior to the commencement of any works to interior furnishings;
- (22) A scheme of interpretation explaining and illustrating the historical layering of the church, including fabric removed during these works, shall be developed and executed. The scheme should incorporate digital media, audio and visual representations and consideration should be given to, where suitable, imaginative incorporation of the work of local historians, writers and artists;
- (23) The Children’s Pews and the Gothic balustraded staircases shall be dismantled, recorded and safely stored. The parish shall use its best endeavours to identify avenues for the intact relocation of the Children’s Pews and the staircases. If unsuccessful in identifying a suitable destination for relocation after a period of 12 months, the matter shall be referred back to the DAC with evidence of those who have been approached and their responses. In the event of successful relocation(s), then photographs of the Children’s Pews and/or the staircases in their new locations shall be incorporated as part of the Belfrey’s interpretation scheme;
- (24) The seven loose Medieval benches shall be retained and their intended locations confirmed with the sub-committee;



- (25) In the event that archaeological issues relating to the mensa stone's foundations are revealed, or if, for any other reason, retention of the mensa *in situ*, or its *in situ* conservation, proves impossible or inadvisable, works on the stone shall cease pending further consultation with the DAC;
- (26) The design details for the movable font to be placed on top of the immersion font shall be agreed with the DAC sub-committee;
- (27) The design details for all other new internal furniture (including but not limited to lecterns, ambo, altar) shall form an identifiable ensemble and shall be agreed with the DAC sub-committee;
- (28) Wording to be inscribed on the immersion font shall be a recognisable Biblical text associated with Christian Baptism and requires the approval of the Archdeacon of York;
- (29) The thickness of the flooring on the immersion font shall be confirmed and agreed with the DAC sub-committee;
- (30) The parish shall agree with the DAC sub-committee details of how the new stone floor is to be cleaned.

## **ANNEX 2: LISTING DESCRIPTION**

YORK HIGH PETERGATE Church of St Michael le Belfrey

(Formerly listed as Church of St Michael-le-Belfrey, MINSTER YARD (south-west side), YORK)

14/06/54

I Parish church. 1525-37 with vestry, west front and bellcote of 1867. C19 alterations by G Fowler Jones.

**MATERIALS:** limestone ashlar with roofs of lead and stone slate.

**PLAN:** Six-bay continuous aisled nave and chancel with clerestory; east vestry; west porch and bellcote.

**EXTERIOR:** double moulded plinth to all sides. East end partly obscured by vestry: east window has five cinque-foiled lights and panel tracery in two-centred head: north aisle east window is of two pairs of trefoiled ogee lights in traceried four-centred head. North and south sides are articulated by two-stage buttresses, those on north side only with gargoyles and crocketed pinnacles. Westernmost bay on each side has traceried double doors in four-centred arch of two orders with side shafts, spandrels carved with Tudor flowers in quatrefoils, flanked by standards with crocketed pinnacles. Each remaining bay contains window similar to that in east end of north aisle, with moulded sill string on south side only. South side has band of cusped lozenge panels enclosing armorial shields beneath windows. Windows have casement-moulded surrounds and hoodmoulds with return stops. Coved eaves string beneath plain parapet with moulded coping, returned at east end. Clerestory windows, two to each bay, have square heads and tripled trefoil headed lights.

West end: crow-stepped gable. West door and window framed beneath four-centred moulded arch with carved spandrels springing from three-stage buttress piers with cross-gabled and crocketed pinnacles: arch surmounted by octagonal bellcote of paired cinquefoiled lights

capped by pierced embattled parapet. West doorway similar to those in aisles has band of cusped lozenge panels beneath gabled door head with carved tympanum. West window repeats east window and aisle end windows repeat those on north and south sides, with moulded sill strings. Octagonal stair turret at south-west has moulded strings at plinth and sill levels, two slit lights, coved eaves string incorporating grotesque beasts, two tiers of blind traceried panels and band of blind quatrefoils at base of pointed octagonal roof.

**INTERIOR:** nave arcades of four-centred arches on shafted piers and responds with moulded capitals and bases. Above, continuous hoodmould on heraldic angel stops and spandrels carved with quatrefoils enclosing roses, fruit, etc. Moulded clerestory string and trefoiled panels beneath windows. Three-bay reredos of raised and fielded panelling, articulated by fluted Composite columns with entablature and small segmenta pediment filled with cartouche and palm fronts. Bolection-moulded centre panel has painted representation of the Adoration of the Shepherds, outer panels the Creed and the Lord's Prayer. Communion rails have bulbous balusters carved with foliage and spirals, bowed gates in centre, and heavy flat rail.

At west end, gallery with panelled front two staircases cased in raised and fielded panelling, with Gothick balustrades, serpentine handrails, wreathed at foot around column newels on shaped curtail steps. Six-panel doors at stair heads, shaped to fit pier responds, give access to gallery. Four-centred chamfered doorway at foot of south staircase, leads to turret. Hatchment of Royal Arms, originally above reredos, attached to gallery front. Benefaction boards: in gallery, two in bolection moulded surrounds, two with four-centred heads: in north aisle, two with semicircular heads. Lord Mayoral boards: beneath gallery, one 1711-1720, one 1764-1859, one 1872-1969.

Glass re-arranged and restored in C19 and C20, includes mid C14 glass in east window and early C16 in aisle windows

**MONUMENTS AND BRASSES:** include at east end: carved stone cartouche to Ann, wife of William Walker, d.1687; carved stone cartouche to John White, d.1716/7. North wall: pedimented tablet with floral side scrolls to Mary Grammar, d.1738; scrolled cartouche to Thomas James, d.1732; sarcophagus tablet to Baldwin Wake, MD, d.1842, signed by Flintoft.

Brasses to Thomas Dawnay, d.1683; Frances, wife of William Farrer, d.1680/1, signed Joshua Mann. South aisle, east end: large wall monument to Sir Robert Squire, d.1707, and wife Priscilla, d.1711, two sculpted figures beneath swagged open pediment on fluted Corinthian pilasters; shaped tablet with cornice and floriated sides, to an infant Vavasour, d.1728; scrolled cartouche to Mary Woodyeare, nee Drake, d.1728.

South wall: pilastered monument with cornice and apron, to Catherine and Christine North, d.1734; tablet with shield of arms to Sir Thomas Fothergill, d.1735; tablet with urn to John Blanshard, d.1770, and wife, Mary, d.1789; tablet with urn in broken pediment to children and wife, Elizabeth, d.1790, of John Metcalfe; separated monument with sarcophagus and military emblems to Lieutenant and Adjutant John Crossland of York City Regiment of Local Militia, d.1813, signed by Fishers, York; oval tablet of black marble to Mary Lawson, d.1774.