

In the matter of St Helen, Denton

Judgment

1. By an unsigned and undated petition, the vicar and churchwarden of St Helen's Denton seek a faculty for an extension to the north side of the church and the construction of a new car park.

Background and consultation

2. St Helen's is a Grade II* listed building within the Denton Conservation Area, and lies in the Nidderdale Area of Outstanding Natural Beauty. It is unconsecrated but licensed for public worship.
3. The DAC issued a Notification of Advice on 19 February 2016. The DAC recommended consultation with the CBC, Historic England, the Georgian Group and the Victorian Society. Harrogate Borough Council granted planning permission for the proposal on 9 May 2016.
4. Three representatives of the CBC attended a site visit on 16 April 2015. The CBC, in a letter of 29 April 2015 recognised the need for the extension but expressed some concerns which led to a revisiting of certain aspects of the proposal. The CBC recognised that the parish had considered other less invasive means of meeting its objective but had not been able to find any alternative means. Accordingly, by email of 22 February 2016, the CBC indicated it was content to defer to the DAC on any further consideration of the matter.
5. Historic England, in an email of 2 March 2015, stated it did not wish to comment. By email dated 6 March 2015, the Victorian Society indicated that it deferred to the Georgian Group, and did not wish to make any independent representations.
6. The Georgian Group, in an email of 3 March 2015, made a number of observations (to the substance of which I shall return), to which the parish's inspecting architect responded. This led to a further email from the Georgian Group dated 12 February 2016 persisting in its objections. I directed that the Group be specially cited. They responded by email dated 26 April 2017, stating that they did not wish to become a party opponent or to make any further representations, but requested that its earlier observations be taken into account, which I do.
7. Public notice elicited no correspondence.

The church

8. St Helen's is described as the daughter church within the United Benefice of Weston with Denton. Constructed of locally quarried stone with a grey slate roof, and built to a design of architect John Carr in 1776, it functioned as a chapel of ease up until its gift by the Ibbetson family in 1867 to the then diocese of Ripon, whereupon it became the place of worship for the newly created ecclesiastical parish of Denton.
9. The church occupies an elevated position in parkland, set in an expansive and well-planted churchyard. The church's *Brief History and Guide* is a model of clarity, revealing its unusual history and points of particular interest. I think it is a little unfortunate that, in this instance, the parish's Statement of Significance was not of a comparable standard. A better document might have made the consultation process smoother and might even have produced greater, or earlier, consensus. There is a learning outcome here for other parishes in the diocese who may be contemplating similar projects.
10. I have extracted the following information from the List Entry Summary on the website maintained by Historic England.

Church. 1776. By John Carr for the Ibbetson family of Denton Hall. Coursed squared gritstone, grey slate roof. 3-bay nave and chancel with an integral west tower and a possibly additional single-storey west porch, in Gothick style. Plinth. The porch has pointed double doors on the south side, a finialed hoodmould and eaves cornice with pedimented blocking course above. Nave: 3 pointed windows, the central one with original interlaced glazing bars. Continuous hoodmould, eaves band, gable coping. Nave left return: porch flanked by small arched windows with interlaced glazing bars; the tower west wall breaks forward slightly and there is a window of 3 trefoil-headed lights with hoodmould to first floor. The tower lower stage has large quatrefoil recesses; the upper stage is an open octagonal embattled belfry with pointed arches to each side. Nave, east end: Venetian style window with large pointed-arched centre light flanked by lower narrow round-arched lights. The architrave has classical mouldings and the continuous hoodmould of the south side is carried above the flanking lights. A projecting band at eaves level forms a pediment to the gable. North side: 2 blind pointed-arched windows; entrance to crypt covered by a lean-to roof, centre; taller lean-to addition left, with square 4-pane sash in left return. Interior: inner door between porch and nave has 3 tiers of 3 trefoil-headed panels and opens into a vestibule beneath the west gallery, with 6 panel doors to left and right. The left door opens onto a stone spiral staircase, the right into a small vestry. Nave, east end: 2 stone steps to the sanctuary with fine carved oak pulpit and priest's stall given in 1908. The east window has painted glass depicting King David and St Cecilia with angels and musical instruments and is signed "Henric' Giles Eborā pinxit 1700". The flanking lights contain heraldic emblems and coats of arms. West gallery: supported and framed by a tall round-headed arch; the: balustrade of double vase balusters. The shallow-pitched nave roof supported by 5 king-post trusses with splayed struts form the base of the king, post. Font: south-west corner of nave; a splayed fluted shaft with a shallow octagonal bowl decorated with gadrooning, the lid a later addition. Wail memorials of the C18 and early C19 to the Ibbetson family of Denton Park. A grave stone-fastened to the outside of the north wall of the porch has the remains of an inscription commemorating Frances, wife of Henry Lord Fairfax who died in 1683.

The proposal

11. What is proposed is a simple lean-to structure which effectively extends the existing organ chamber and incorporating a former boiler room which currently feature on the external face of the north wall. It will effectively in-fill and render more uniform the current broken footprint of the northern aspect. Using sympathetic materials, the proposal will be largely reversible. The new access will utilise the current westernmost 'blind window opening'. There will be some modest remodelling of some of the pews in this area. The proposed extension will house a small kitchen and

lavatory facilities, the need for which is conceded by all those who have been consulted. It will also allow for level access, thereby discharging the statutory obligation on the parish under the Equality Act 2010 to have regard to the needs of the disabled and those with limited mobility. The new ramped access will avoid an external flight of nine stairs, and is conceived to augment the improved parking facilities contiguous with the entrance, in relation to which there is no objection. Easy and level access will be by way of a path from the new car park, to be constructed on land generously offered for this purpose by neighbouring landowners, the Bailey family of Denton Hall. Metal estate fencing will mark the border of the churchyard.

The observations of the Georgian Group

12. I note that the observations of the Georgian Group (see above) were a recapitulation of matters advanced in respect of the application for planning permission, and that Harrogate District Council nonetheless saw fit to grant permission.
13. In short, the Georgian Group maintain that the proposal would have “a dramatic impact on the views of the church” from Smithy Lane. In fairness, the Group recognises that the church was designed to be appreciated particularly from the other aspect to the north. There are, unusually, no windows in the northern wall of the church but it is “embellished with blind gothic recesses in the form of window openings”. The Group referred back to an earlier proposal in 2005, and its objections at that time, not least “the somewhat unhappy relationship between the roof of the proposed addition and the existing blind openings of the nave’s northern elevation”.

Applying the legal test

14. Adopting the framework and guidelines commended by the Court of Arches in *Re St Alkmund, Duffield* [2013] Fam 158, a series of questions needs to be addressed whenever changes are proposed to a listed building. The starting point is a strong presumption against change and a significant burden lies on petitioners to rebut it.

Would the proposals result in harm to the significance of the church as a building of special architectural or historic interest?

15. Yes.

How serious would the harm be?

16. I consider the harm, in the particular circumstances of this case, will not be particularly serious. To my mind, there is a degree of overstatement in the observations of the Georgian Group. The Listing Statement does not ascribe to the blind gothic recesses of the north wall the significance for which the Georgian Group contend, but even if there is force in the latter’s view, the reversibility of the proposal mitigates against the claimed seriousness of the harm. The grant of planning permission has inevitably informed my assessment. The most significant feature of the church is its eighteenth century east window, the views of which, both interior and exterior, will be unaffected by the small lean-to erection on the northern exterior.

How clear and convincing is the justification for carrying out the proposals?

17. Every consultee has been satisfied that the case of justification is well made by the petitioners. Increasing access and providing lavatory and refreshment facilities will make this magnificent and cherished building better equipped for sacred and secular usages and will ensure its survival as a community space.

Will the public benefit outweigh any harm?

18. It is readily apparent that the public benefit would outweigh the measurable, though not serious, harm that will result. In fairness to the Georgian Group, they recognised this which is why their observations have been to the detail of the proposal and not to the principle. Having reviewed all the paperwork in this case, I consider that the parish, aided by an extremely experienced and conscientious inspecting architect, have listened attentively and responded appropriately to the observations made by consultees. In my assessment they have done all in their power to accommodate the matters raised by the Georgian Group, without compromising their laudable vision.
19. The presumption against change has been comprehensively discharged and I have no hesitation in directing that a faculty may pass the seal. It will be subject to the conditions:
- (1) That the work is carried out under the direction of Mr Mike Overton RIBA;
 - (2) That the work is completed within two years of the issue of the faculty, or such extended period as the court may allow;
 - (3) That work on the construction of the car park does not commence until the parish's use of the field concerned has been regularised with its current owners whether by outright transfer, licence or howsoever otherwise to the satisfaction of the court.
20. This modest, yet transformative, venture will undoubtedly promote the mission and witness of the Church in Denton and beyond. It has been in the patient contemplation of the community for more than a decade, and I trust that its successful delivery will shape the sacramental ministry and the outreach of the parish for generations yet to come.