

Neutral Citation Number: [2022] ECC Swk 2

IN THE CONSISTORY COURT OF THE DIOCESE OF SOUTHWARK

IN THE MATTER OF ST PETER’S CHURCH, ST HELIER

AND IN THE MATTER OF A PETITION BY REVD TRACY MARLOW, MS KAREN EYENON AND MR EMMANUEL DADA

JUDGMENT

Introduction

1. This is the petition of Revd Tracy Marlow, Ms Karen Eyenon and Mr Emmanuel Dada, the Vicar and Churchwardens respectively of St Peter’s Church, St Helier. By it, they seek a faculty to remove a mural from the west front of the church. The petition is unopposed and work is recommended to me by the DAC.
2. Having considered the matter carefully, I have decided that a faculty should issue. In the ordinary course where there are no objections and the DAC support a petition, I would not write a judgment. However in the particular circumstances of the case set out below I consider that it is appropriate that I should do so. This is that judgment.

Background

3. The parish of St Peter, St Helier lies within the St Helier Estate. This is a large housing estate built by the London County Council between 1928 and 1936 between Morden and Carshalton. The church of St Peter was one of the 25 churches that were built as a result of a fund raising campaign led by Bishop Garbett and was consecrated in 1933. It is a large brick-built church, designed by Sir Charles Nicholson and described in Pevsner as *disappointing*. As my predecessor (Robert Gray QC) observed, this is a harsh judgment, and may perhaps focus more on the somewhat humdrum exterior than the fine interior. At any rate it is unlisted.
4. The Revd Donald Reeves was Vicar between 1969 and 1980. He (and his PCC) commissioned a series of paintings forming a sequence of Stations of the Cross from a local artist, Peter Pelz. They also commissioned Mr Pelz to paint a large mural of the last judgment on the west front of the church. It might seem somewhat odd thus to emphasise judgment above the main entrance to the church but it is evident that the message that it was intended to give was one of hope. Although it showed the destruction of a city in flames, a Christ-like figure holds creation in his hands; the artist wrote in a text that described the mural that *[t]hose who live through grief may enter heaven*. Records show that the PCC supported the installation of the mural by vote of 18 to 1 and that the DAC recommended that a faculty should be granted for it. By their petition, the Vicar and Churchwardens “craved the bishop’s judgment” which meant that in due course the faculty was granted by the diocesan bishop and not by the Chancellor. This occurred in July 1977.
5. The stations of the cross and the mural were never universally popular and within a remarkably short space of time, the then Vicar and his churchwardens petitioned for a faculty to remove both the stations and the mural. This occurred in 1991. The basis for doing so was that, whatever their artistic merit, they were off putting and thus impeded the mission of the

church. However at this stage there was considerable opposition to the removal of the stations and about 12 people objected. At a hearing, Revd John Drury and Leonard Rossoman OBE RA gave evidence as to the artistic merit of both the stations and the mural; the petitioners called Judith Collins, a Senior Curator at the Tate Gallery. In broad terms, the Chancellor (Robert Gray QC) preferred the evidence of the former. However on pastoral grounds he granted a faculty for removal of the stations. As regards the mural, he took a different view. He was concerned that to grant it would result in the destruction of a work of art in its entirety *although a substantial and distinguished body of opinion supports its retention*. He noted that the objections to the mural were not as great as to the stations¹. He concluded:

There is, in all the circumstances of this case, an important difference between the taking down of the pictures and the destruction of the mural. Once gone, it is gone forever. It is already a landmark, and in this part of London, landmarks of such interest and artistic distinction are too rare for the Court to sanction the removal of one as striking and as significant as this one.

6. Now, some thirty years later, the current vicar and churchwardens petition once again for the removal of the mural.
7. Two things have occurred in the period since this court last considered the matter.
8. First, it has faded, and in particular, it is difficult to make out the Christ-like figure. Second, what is portrayed has now acquired unfortunate connotations following the fire at the Grenfell Tower; in the picture, tower blocks are shown as engulfed in flames. The Church's Architect also says that the mural is likely to be affecting the breathability of the structure. I am not sure of the strength of this concern; it is apparent that the principal motivation for the removal of the mural is the fact that (as reported) people strongly dislike it and that it hinders the mission of the church.

Consideration

9. It seems to me that the current situation represents the worst of all worlds: as a work of art the mural is diminished by the fact that it has faded; for the same reason, it fails as a missionary statement; the presence of something on such a prominent part of the church in need of restoration sends the wrong message; those who dislike the mural still do. The co-incidental link that can be made with the Grenfell Tower fire is a further proper cause for concern. To some degree these concerns could be addressed by restoring the mural. However the parish have considered this course and rejected it; and I can understand why. It seems unlikely that even were I to refuse to grant a faculty for removal of the mural a further petition for its restoration would be forthcoming.
10. The outstanding concern, of course, is that to permit the removal of the mural is to permit the destruction of a work of art.
11. It seems to me that although the mural does have artistic merit, I am able to work on the basis that that artistic merit is not high. More than forty years have passed since it was installed and no-one suggests that it is a masterpiece or that it is of high value. Although the local planning authority, Sutton LBC, consider St Peter's to be a "non-designated" heritage asset, they think that restoration of the original brick facing would be a heritage benefit; evidently no loss is identified as flowing from the destruction of the mural. The Twentieth Century Society,

¹ It is not clear if the same people opposed the removal of the mural as opposed the removal of the stations but it seems likely that they did.

having considered the application, have no comment. The view of the DAC is that *[t]he nature of the artwork seems rather ephemeral, with insufficient stand alone merit to be worth indefinite preservation*. Some DAC advisers considered that the mural had been *a desecration or disfigurement of the original, rather pleasing, church building*. This was not of course the view of the DAC as a body in 1977.

12. If the artistic merit of the mural is not high and the restoration of the brick front would be a benefit from the point of view of heritage and mission, it is appropriate that a faculty should issue, the case for change having been amply made out. The church not being listed, the *Duffield* guidelines do not apply, but if I had been applying them I would have identified both heritage and general public benefit and limited harm.

Conditions

13. There are practical issues. The DAC advise that:

- a suitable masonry-cleaning or conservation specialist contractor should be chosen to carry out the work;
- grit-blasting would not be an acceptable method, as this would be overly destructive of the façade's brickwork;
- a sample panel should be undertaken first, as a trial;
- details of the proposed methodology for brickwork cleaning, including the outcome of the sample panel, should be submitted to the DAC;
- the Church's Inspecting Surveyor should supervise the programme of works, which should be completed to his reasonable satisfaction.

14. I direct that these matters be made conditions of the faculty.

15. It is also appropriate that a good photographic record of the mural should be made before the commencement of the works to be kept as part of the records of the church. Copies should be offered to the archives of Sutton LBC, the London Metropolitan Archive, the CBC and the DAC. If these bodies are also supplied with a copy of this judgment, it will give context to the pictures.

16. Subject to any further order, the works are to be completed within twelve months of the issue of the faculty.

Conclusion

17. I am grateful for the fullness of the information with which the Petitioners have supplied me so that I have been readily able to understand the history of this matter. I am sure that St Peter's is a much loved building which will continue to be cherished into the future. The buildings of the Church of England do significantly assist its mission, for all that they are sometimes a burden; and the grant of a faculty in this case will remove an impediment to mission.

18. The history of this matter demonstrates both that taste changes and also that the passage of time is required to make any clear assessment of the value of a work of art. It would be unfortunate if cases like the present made churches over cautious in seeking to introduce art works into churches; on the other hand a recognition at the time of installation of potential issues of the kind that arose here may be a useful corrective to over-enthusiasm. At all times, of course, those involved will be acting with the mission of the church in mind and with the

desire to enhance the House of God so that in practice judgments involving the installation of works of art may be difficult.

PHILIP PETCHEY
Chancellor

15 June 2022