

**IN THE CONSISTORY COURT IN THE DIOCESE OF SOUTHWARK**

**CHRIST CHURCH, BRIXTON ROAD, SW9**

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**JUDGMENT**

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1. INTRODUCTION

- 1.1. The Petitioners, who are the Incumbent and Churchwardens of Christ Church, Brixton Road, seek a Faculty for the following works to the church:

*“Redevelopment of the Holland Room at the west end of the church to provide improved storage, toilets and food servery; refurbishment of the café including new accessible toilet and kitchen facilities; removal of existing internal blockwork walls and ceilings; conversion of existing café toilet to a dry store; conversion of the existing kitchen and toilet areas into a charity shop,*

*storage and changing room; replacement of the existing inner entrance doors; renewal of floor coverings and refurbishment of existing timber floor; associated improvements to electrical wiring, lighting and heating (including removal of existing hot air curtain); conversion of a toilet off the south transept to a store room, as described in the following documents:*

- a. Statement of Significance*
- b. Statement of Need and two supplementary notes*
- c. Site plan*
- d. Five drawings numbered PO1(A), PO3, PO4(B), GA01(X) and DO1*
- e. Letter dated 5 November 2013 from the Victorian Society”.*

1.2. The supporting Statement of Need helpfully summarises the history of alterations at the church dating from the 1980s and 1990s. I observed these alterations on the site visit which I made on 5 September 2014 and endorse the conclusion in the Statement of Need to the effect that:

*“There is an urgent need to develop the Christ Church building for the future and in the process streamline some of the confusion in the electrical and heating systems and building layout resulting from the earlier developments”.*

The Parish considers that the *“most pressing need which should be tackled now is the requirement to rationalise the Brixton Road (liturgical west but geographical east) end of the building.”*

1.3. There has been consultation in relation to the wider project and the specific elements of the Petition with the Local Planning Authority, the London Borough of Lambeth (“LBL”), English Heritage (“EH”) and the Victorian Society (“VS”). LBL and EH are satisfied with the works proposed in the Petition. The DAC supports

the Petition. The VS, however, has raised informal objections to one aspect of the proposed works but has not chosen formally to object to the Petition. In order to consider its concerns and to ensure that I fully understood the nature of the project and the details of the building, I undertook a site visit, as I have said. The Incumbent, the Revd Tim Jeffreys, and the architect of the project, Mr Roderick MacLennan RIBA, accompanied me in order to explain the proposals.

## 2. THE BUILDING

2.1. The building is listed at Grade II\* and the list entry states:

*"1907 by Beresford Pite in Byzantine style. Cruciform with central dome over wider octagonal drum. Low nave with half-octagonal west end, tall gabled transepts and long chancel to wide east end. Yellow stock brick banded with purple dressings of red brick and stone. Much arcading on all faces. Wide, buttress-like mullions through large lunettes of drum and transepts provide an Art Nouveau touch. Impressive east end has tall, domed central tower, lower end towers with gambrel roofs and a south-east angle turret with copper ogee canopy. All dressings to east facade of stone, including first floor arcading and 3 doorways below, central under raised pediment."*

This entry does not refer to any internal features of the church but the Statement of Significance summarises the somewhat complex interior well, as follows:

*"The interior walls are lime washed and there is little decoration with the exception, below the dome, of remarkable mural inscriptions of the Ten Commandments and other biblical and liturgical texts designed by Edward Johnston. Johnston was also responsible for the design of the inscription on the stone*

*lintel above the central west door. The lettering was cut by Eric Gill.*

*During the 1980s and 1990s, to facilitate greater use of the building in the service of the community, the (liturgical) West end of the nave was screened off, and the original West Gallery extended to the east above it to provide office space. In the process the two-manual Hunter organ (which had been moved from the first building and enlarged in 1902) was removed. A second floor was added to the vestry to provide a clergy house, and toilets and a kitchen installed either side of the West entrance vestibule. Additional single story constructions were also inserted in the transepts to provide meeting rooms to the South and a chapel to the North.”*

This Statement also refers to the remarkable external pulpit, added in 1907.

- 2.2. It is clear from the Statement of Significance and immediately apparent on inspection that the interior has been considerably altered. The central dividing screen effectively creates a worship area and an area – known as the Holland Room – occupied by other activities. This division, in my opinion, detracts from the remarkable character of the building as an architectural composition but enables the church, to some extent, to reach out to the wider community in mission and service via the function of the charity second hand shop. The community café, which is physically connected to the church although operated largely independently, enhances this sense of engagement.

### 3. THE PROPOSALS

- 3.1. The Holland Room is to be reordered, as are other spaces at the western end of the church. The charity shop is proposed to be moved into an enclosed space

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currently occupied by a kitchen and toilet. New toilets, including an accessible WC and storage space, are to be provided in part of the area currently occupied by the shop. The proposed structure will stand proud of the (liturgical) south wall which contains an original part clear/part-stained window. The remainder of the (liturgical) southern side of the Holland Room will contain a new servery, which will leave the other window clear to view. Remaining parts of the Holland Room can be used for church/community meals and other gatherings. A part of the original marble floor, which is currently covered by an undistinguished carpet, will be revealed. There will be an associated overhaul of electrical wiring, lighting and heating.

- 3.2. Pausing there, all these elements of the project are uncontroversial. The VS would prefer it if a glimpse of the (liturgical) southern window could be retained but it does not object on this basis. I am satisfied that there would be insufficient space to permit the retention of such a glimpse. These works are wholly reversible because the new southern partition would stand proud of the original southern wall/window. I conclude that these proposed elements are necessary and would effect functional and aesthetic benefits in terms of reducing clutter and the need to transport hot drinks around the building safely. The newly constructed elements would reduce the symmetry of the building but, in my view, the composition is already interrupted both by the 1980s/1990s built interventions and by the presence of the charity shop use. On balance, I consider that the visual advantages for the listed building that are to be gained from the removal of clutter outweigh the disadvantage of loss of symmetry. The 1980s/1990s screen

is not suggested by anybody to be inherently valuable and I did not find it to be visually distinguished. In any event, the proposed changes are reversible.

3.3. The element of the proposals to which the VS objects concerns the form, although not the principle, of the replacement of two pairs of lobby doors at the entrance from Brixton Road. There are three sets of doors at this point. An original pair of solid wooden outer doors is to remain. Two original pairs of partly wooden, partly glazed doors serving either side of a small entrance lobby are to be removed. These doors have become warped as a result of the heating system which is to be removed and there appears to be no dissent from the proposition that they must go. The area of disagreement is narrow: the Petition proposes that the doors should be glazed between the glazing bars from top to bottom, whilst the VS wishes to see replica doors, which are only glazed in the top third, with solid wood panels beneath. The VS considers that *“further glazed panels would alter the careful balance of wood to glass and change the character of the inner lobby”*.

3.4. I agree with the VS that the introduction of glass throughout would affect the character of the lobby to some degree. There is an enclosed feeling at present and the panels on either side of the doors (which are to remain) are wooden beneath, forming a symmetrical fashion.

3.5. The Petitioners' principal concern about the VS's suggestion is one of safety. They set out in their notes in response to the VS that wheelchair users and children or shorter adults are at risk from not being visible to somebody opening

the door from the other side. They also wish the interior of the church to be visible at a glance from the street.

#### 4. LEGAL PRINCIPLES

4.1. The Court of Arches in Duffield, St Alkmund, set out a framework or guidelines for chancellors when exercising the Faculty Jurisdiction in relation to listed buildings. I shall adopt this framework as a guide to my decision making.. The guidelines are 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 (see **Peek v Trower** (1881) 7 PD 21, 26-8, and the review of the case-law by Chancellor Bursell QC in **In re St Mary's White Waltham (No2)** [2010] PTSR 1689 at para 11). Questions 3, 4 and 5 do not arise.*
3. *If the answer to question (1) is 'yes', how serious would the harm be?*
4. *How clear and convincing is the justification for carrying out the proposals?*
5. *Bearing in mind that there is a strong presumption against proposals which will adversely affect the special character of a listed building (see **St Luke, Maidstone** at p.8), will any resulting public benefit (including matters such as liturgical freedom, pastoral well-being, opportunities for mission, and putting the church to viable uses that are consistent with its role as a place of worship and mission) outweigh the harm? In answering question (5), the more serious the harm, the greater will be the level of benefit needed before the proposals should be permitted. This will particularly be the case if the harm is to a building which is listed Grade 1 or 2\*, where serious harm should only exceptionally be allowed."*

4.2. I shall adopt these guidelines as the framework for my consideration.

5. CONSIDERATION

5.1. The Duffield Questions 1 and 3 can conveniently be considered together. I have already indicated that I find that the proposed WC, servery and associated reordering would, on balance, represent an improvement over the existing arrangements; the reduction of symmetry which would result from the new structures within the church would mostly affect the viewer's impression of the late twentieth century screen (which I have found to be undistinguished), rather than the composition of the original building. The southern windows are barely noticeable through the clothing racks and shelves of the charity shop and I do not consider that there would be a material detraction from an appreciation of them; the (liturgical) western window would become more visible than it is at present and the impact upon the covered window would not be of a directly physical nature. All the proposed changes are reversible.

5.2. Turning to the proposed removal of the doors, this would obviously constitute a further intervention, following many others, which would interfere with the original conception and fabric of the building. The impact upon the doors would be of a direct physical character, since they would be removed. The lobby must originally have served as a transitional area between the outside world – the street, with its hustle, bustle, dust, dirt and, on occasions, rain – and the sanctified space of the basilica. Doubtless in this space, people would have wiped their feet, shaken off



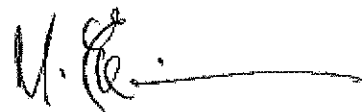
rain and quietened themselves before entering the rarified atmosphere of the main part of the church. Panelling the lower areas would have been entirely natural in such an area and would have had the added advantage of durability. Unfortunately, the twentieth century heating system has damaged the original doors such that it is accepted on all sides that they require replacement. Removal of the doors is therefore necessary. The reordering which took place a quarter of a century ago, as well as the uncontroversial proposed changes considered above, reflect more modern notions of mission. Whereas, in 1907, the means of drawing people to the gospel was seen as an external pulpit and the entire basilica was devoted to worship, the emphasis now is on welcome, openness and facilitating community activities. This is a building which has moved with the times and the effect of the proposals upon heritage significance, it seems to me, must be tested against the baseline of the altered building. In this case, the original doors have to be replaced - the only controversial question is as to the style of their replacement. I conclude, on the Duffield Questions (1) and (2), that there would be some harm to significance but that the harm would be very slight. I am reinforced in the second of these conclusions by the facts that the lobby and doors do not feature in the listing description and, more weightily, that EH does not object.

- 5.3. Turning to the Duffield Questions 4 and 5, I make the following findings. The changes proposed would lead to public benefit in terms of marginal safety advantages. More significant, however, in my view, would be the greater freedom of use in the Holland Room if organisers are not having to worry about

children being knocked down by the doors when 'letting off steam' after a service or enjoying another communal activity. Making the church as "user friendly" as possible is a valid missional consideration. I also think that full glazing would improve the sense of welcome and openness, both for the casual observer in the street and for a person entering the church. Offering a funnelled view of the whole length of the building would help to emphasise the worship area beyond the screen. I therefore conclude on the Duffield Questions 4 and 5 that there is clear and convincing justification for the proposals in terms of the benefits to the mission of the church. The benefits outweigh the very limited harm which I have identified to the significance of the listed building.

6. CONCLUSION

- 6.1. I direct that a Faculty shall be issued in the terms sought in the Petition, subject to a twelve month time limit, a standard insurance condition and to conditions suggested by the DAC to ensure the quality of work and final approval of detailed specifications.



MORAG ELLIS QC

17 September 2014