

IN THE CONSISTORY COURT OF THE DIOCESE OF SOUTHWARK

RE: HOLY TRINITY, RICHMOND

JUDGMENT

Introduction

1. This is a petition by the Vicar and Churchwardens of Holy Trinity, Richmond for a faculty to install a memorial tablet to the late David Church OBE.

The proposal

2. The tablet would be situated in the north aisle at a location where there are a number of other memorial tablets. It would be square – about 2' by 2' – and of Portland Stone. The letters would be hand cut. The wording of inscription that is proposed is as follows:

*IN MEMORY OF
DAVID EDWARD CHURCH
OBE FRIBA
21 July 1932 – 12 January 2003
Chairman of the Richmond Society
Member of Christ Church from 1966
And of this church from 1976
His grandparents Dr Henry Eugene Tracey
and Emily Alice Martin were married
at Holy Trinity Church 29 April 1890*

Mr Church's name would be larger than the lettering on the rest of the inscription, which would be cut in Times Roman Sans Serif.

3. The memorial would be paid for by Mrs Judith Church, Mr David Church's widow.
4. Holy Trinity Church dates from 1870 and, although an attractive church, is unlisted.

Guidance

5. The Chancellor's *Guidance* (June 2003) on (among other things) memorial tablets in churches is as follows:

The relatives of a deceased person sometimes ask if they may put a memorial tablet into a church. It is sometimes the case that no one else wants the tablet, but incumbents, churchwardens and Parochial Church Councils are naturally reluctant to say so, and sometimes support an application which they really wish had not been made.

Churches are not primarily repositories for family memorials, and tablets are often neither beautiful in themselves nor of interest to anyone other than the family of the deceased. On the other hand, if a tablet is to be erected, it should contain more than merely a statement of the name and dates of the person commemorated.

No tablet may be placed in a church without a faculty from the Consistory Court, and the ultimate decision as to whether to grant a faculty is for the Chancellor alone.

A faculty will not generally be granted unless:

- *the person to be commemorated has an obvious connection with the church or the parish, going beyond that of a person who has worshipped in the church or lived in the parish;*
- *the public display of the memorial is in some way educative or inspirational; and*
- *the memorial is doctrinally sound;*
- *it is artistically an adornment to the church;*
- *as a safeguard against a premature application, a faculty is unlikely to be granted until at least twelve months after the death of the person to be commemorated.*

Procedure

6. The PCC unanimously supported a proposal for a memorial to Mr Church at a meeting held on 26 November 2007.
7. The DAC first considered the proposal at a meeting in July 2008. It made a number of comments and suggestions, some of which were adopted by the Petitioners, but not all. It then came back to the DAC in February 2009 when the Committee agreed that

it would offer "No objection" to the proposal, and certified accordingly. A revised proposal was submitted in July 2009 and to that too, the DAC decided to offer no objection.

8. I raised a number of matters, as to some of which I am now satisfied.¹ Also I asked the DAC for some further advice. The DAC confirmed what I had guessed to be the case, namely that it did not consider the memorial to be an artistic adornment. However it did decide that it would recommend the proposal on the basis that

- any reference to Mr Church's grandparents were omitted
- all lettering to be handcut and the DAC to see a final full-size drawing of the design for approval before work began.

However I still had outstanding concerns and I visited the church on 1 July 2010. There I had the opportunity of meeting the Vicar, Mr Patterson, Geraldine Stride, his churchwarden, and Mrs Church. I was able to raise my outstanding concerns with Mrs Church. I went away further to consider the matter and on 18 August 2010, I issued an interim judgment. For reasons which I set out. I stated that I was not minded to grant a faculty in the terms prayed. In sum, this was because I considered that (1) the proposed memorial would not be an artistic adornment and (2) it was inappropriate for Mr Church's grandparents to be commemorated. However, reflecting these potential reasons for refusing to grant a faculty, I went on to indicate that I **would** be minded to grant a faculty for a memorial which was an artistic adornment to the church, and which did not include a reference to Mr Church's

¹ The reference to Christ Church is appropriate because Holy Trinity is, strictly, the benefice of Holy Trinity and Christ Church, Richmond. Two formerly separate benefices were merged in the 1970s, and the Christ Church building was closed.

grandparents. Against this background, it was then for Mrs Church to decide whether she wanted to submit an amended design or to tell me that she did not – in which case I would refuse the petition. By a letter dated 28 September 2010, Mrs Church has indicated that she does not wish to submit an amended design.

Decision

9. I once again carefully considered all the material that has been put before me. I should say at once that, as I indicated in my interim judgment dated 18 August 2010, I have decided to refuse this petition, and for the reasons which I then indicated.

Matters of concern

Non-compliance with Guidance

10. Although the letters are to be hand cut, the tablet is not considered by the DAC to be an artistic adornment to the church. I agree with judgment. Moreover although the DAC offer “No objection” to what is proposed, I am not satisfied that the basis exists for departing from the Guidance in this case.
11. I think that it is helpful to begin by setting out what is evidently the basis for the Guidance.
12. To be commemorated by a memorial tablet in a church is a great privilege. This is because only a few can be selected to be commemorated in this way, although many give valuable service to church and community; on the other hand, it adds interest to a church to see the names of those who have achieved something special there commemorated.

13. Because it is a privilege, particular care needs to be taken about wording; and to ensure that the end result is an enhancement to the Church where the tablet is to be installed.
14. Mr Church clearly was someone who contributed something special to the community and I am satisfied that he is appropriately commemorated by a tablet in the church. Thus I do not think that there is a problem in principle about the installation of a tablet in memory of him. Personally, I would prefer it if the tablet said just a little more about what Mr Church did by way of service to Richmond, but I can see that it is difficult to encapsulate this sort of thing in a few words. Mrs Church does not wish to add anything, and I am sure that the reader will appreciate the sort of things he would have done by knowing that he was Chairman of the Richmond Society.
15. It seems to me that there are three possible reasons why it might be appropriate not to follow the Guidance and to permit something that is not an artistic adornment.
16. The first is cost. Potentially one might have to mitigate the desire to have an artistic adornment by reference to the desire to have a monument at all – an artistic adornment might not be affordable. However I have ascertained that cost is not the concern in this case giving rise to an application to grant a dispensation from the Guidance.
17. The second is that Holy Trinity is unlisted. I think the upshot of this is that one cannot say that to permit a memorial which is not an artistic adornment would be intrinsically harmful to the appearance of the church. (By using the words “intrinsically harmful” I mean to indicate that I can of course see that it can be said that to permit a proposal which is contrary to sound guidance without good reason may constitute harm). But the fact that Holy Trinity is unlisted cuts both ways. It seems to me that there is a

particular and proper concern to ensure that the environment of unlisted churches is enhanced. It certainly seems to me generally unfortunate to accede to an argument that would dispense with adherence with the Guidance because of the perceived lesser architectural quality of the building.

18. The third is that the memorial is to be situated in the vicinity of other memorials which, although not unattractive, are not themselves artistic adornments. It seems to me that the fact that the Guidance (or something like it) was not applied at an earlier time is not a reason for not applying it now. If an artistic adornment would in the context be "over the top" then evidently that would be a reason for not applying the Guidance, but I do not consider that an artistic adornment ought to be capable of criticism in this way. An artist should be able to design something in keeping.
19. As I understand Mrs Church's concern, it is that the memorial should be simple. I can appreciate that concern. Nonetheless it seems to me that there is no necessary incompatibility between something being simple as well as an artistic adornment.
20. Over the past few months, as I have visited churches and cathedrals, I have paid particular attention to memorial tablets. I am confident that many – and not necessarily those which are simple – are not artistic adornments. Most relevantly however I have seen simple memorials which I would consider artistic adornments. I would accept that there may be a "grey area" where one cannot be confident one way or the other, but I do not think that it is usually difficult to form a view.
21. Finally I should add that it seems to me that to permit an exception to Guidance without there being good reason would set an unfortunate precedent. Although each case must be considered on its merits, in practical terms it seems to me that to make an

exception here would make it generally more difficult to uphold the Guidance elsewhere.

22. I appreciate that I am differing from the DAC on this matter. I suspect that lying behind their position is a concern that to be too rigorous in applying the Guidance could be viewed as disproportionate; and that, having secured some improvements over the original proposal, the end result can be viewed as acceptable compromise. I certainly agree that one should not lose a sense of proportion in approaching matters of this kind. However, if there are to be controls and Guidance in respect of what are intrinsically minor alterations to churches, it seems to me that one must engage with them. And, subject in appropriate cases to financial constraints, the overriding aim of the Guidance seems to me to be achieve what is best in this situation, not just something which may be viewed as minor and not very objectionable.

23. I also appreciate that in getting the petition thus far, Mrs Church has been to three firms of mason, and does not want to go to a fourth person (who would probably be an artist rather than a mason as such). It is unfortunate that Mrs church has had so much trouble, but I do not think that this can justify making an exception to the Guidance.

Detailed wording

24. The memorial is to Mr Church not his grandparents.

25. If it were suggested that it was appropriate that that Mr Church's grandparents were in themselves the appropriate subject for "memorialisation" then I can see that a good case could be made for including them on a memorial to Mr Church. But Mrs Church does not really suggest that this is the case. The fact that their family contributed to

the cost of building of the church is not in my judgment a reason for memorialisation. I appreciate that this may sound harsh to Mrs Church, but it is no sense a criticism of Mr Church's grandparents. As I understand it from Mrs Church, all three generations of Mr Church's family rendered loyal service to the Church generally – but, happily for the Church, many families can say this. Thus although I think I understand why Mrs Church would like there to be a reference to Mr Church's grandparents (*To me, half the point of the tablet is lost without them*), it seems to me that the reference to Mr Church's grandparents would really only be of interest to his family – and, as the Guidance makes clear, a memorial which is not of interest other than to the family of the deceased is not appropriate. I should add that I think that the reference to Mr Church's grandparents would be bathetic and, as such, out of keeping.

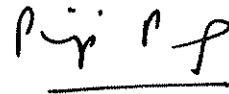
26. I think that for completeness I should mention one other thing. I am familiar with memorials where wives of distinguished men have been commemorated alongside their husbands. (I am not personally familiar with a memorial where a husband is commemorated alongside his distinguished wife, but there may be such). This may be justified on the basis of the partnership that husband and wife had, enabling both to flourish, or, conceivably, as an exception to the general rule. However, on whatever basis, I do not think that the quite common practice of the commemoration of husbands and wives affords the basis for the commemoration of grandparents in the present case.

Conclusion

27. I would be prepared to grant a faculty for a memorial which
- was an artistic adornment; and

- omitted reference to Mr Church's grandparents.

28. Mrs Church has indicated that she does not want to seek to submit an amended design. Accordingly, with regret for the pain that it will cause her, I decline to grant a faculty. I should re-emphasise that this is no reflection upon the service rendered to Richmond and the church by Mr Church and his grandparents; and that, if Mrs Church should change her mind, I would be happy to grant a faculty along the lines that I have indicated.



PHILIP PETCHY

Chancellor

5 October 2010