

**Neutral Citation Number: [2018] ECC Lon 1**

**IN THE CONSISTORY COURT OF THE DIOCESE OF LONDON**

**AND IN THE MATTER OF THE CHURCH OF ST SIMON ZELOTES, UPPER  
CHELSEA**

**AND IN THE MATTER OF THE PETITION OF THE REVEREND MICHAEL  
NEVILLE, MR EDWARD ROSE AND MRS HEATHER JACKMAN**

1. By a petition dated 28 March 2017 the vicar and churchwardens seek a faculty to reorder the west end of the church by extending the west gallery to the north and west aisles, to introduce an accessible WC below the north-west corner of the extended gallery and enhance the existing catering facilities and musicians' area. Additionally it is proposed to introduce speakers into the chancel and make good tiles in the floor at the front of the church. The proposals were recommended, subject to provisos, by the DAC on 9 March 2017. The proposals were approved unanimously by the PCC at a meeting held on 20 March 2017. The church is listed Grade II\*.
2. The parish set out fully in a Statement of Needs its reasons for proposing these works, in particular the restrictions the fixed furnishings impose, not only on liturgical uses but uses for concerts and by Sussex House Preparatory School and the inability to accommodate the Bach and Baby project – a midweek local initiative for parents and children – as well as a toddlers group. It is also not possible to access the sides by wheelchairs and pushchairs.
3. Historic England was consulted and in a submission dated 12 January 2017 considered that the removal of the aisle pews would harm what it considered to be the relatively complete interior composition of this church. Historic England did, however, accept that the pews are not of exceptional quality and that the church has unusually narrow aisles. I have to say that I recall first looking into this church many years ago long before I was chancellor and was immediately struck by how tightly packed the pews were and feeling that the interior was really rather cluttered and oppressive. I shall return to my more recent site visit in due course. Historic England expressed no misgivings about the proposed extension of the gallery.

4. The Victorian Society submitted a letter of objection on 22 December 2016 and on 9 May 2017 lodged particulars of objection and became a party opponent. Their objection was to the extension of the gallery and the removal of the south aisle pews. The grounds of objection being: the extension of the gallery is poorly justified and unnecessary and the removal of the pews would fundamentally impact the character of the interior and is an unjustified intrusion into the church. These grounds were expanded upon in a letter.
5. The Society considered that the gallery extension would result in little additional usable space and considered that it had not been shown evidence that there was a need to use the gallery regularly. It did concede that the only access to the gallery being an external spiral stair was eccentric. The Society considered that the heavy pewing of the nave (a feature which I have already indicated I find an unattractive aspect of the church) is integral part of the internal composition and the church has been given its listing status through being described as the most complete surviving work by the high Victorian “rogue” architect Joseph Peacock.
6. The Petitioners submit that the only reason the gallery is not used so much is because of its inadequacy and inaccessibility. If it were extended and accessed internally more use could and would be made of it, both as a place for musicians and as a discreet area for private prayer or conversation. The Petitioners also point out the wheelchair and pushchair access is severely limited by the current pew configuration and that it also restricts a number of other activities, such as post worship fellowship and catering. The Petitioners also submitted persuasive photographic evidence of how earlier pew removal had led to less clutter rather than more, as the Victorian Society fears. I also bear in mind that this is a revised scheme by new architects brought in to address the various problems in a sensitive and practical way.
7. I paid an extensive site visit to the church with the plans and drawings, viewing the gallery proposal from every angle at ground floor level – I was unable to access the gallery. It is obvious that the appearance of the church now is not the same as it was on completion by Joseph Peacock.

8. Originally there were galleries at the east end of the nave as well as the one at the west, the subject matter of this petition. These were removed, I am informed, in the last decade of the nineteenth century. An organ was introduced into the church in the south east corner in 1925. There was reordering early in the last century extending the chancel and introducing choir stalls which contributes to the oppressive feeling by making the front of the nave particularly cramped. A lady chapel was created in the north aisle in 2000 and there was significant re-ordering of the west end in 2012. These changes reflect the evolving pastoral needs of what is now a thriving parish, with a well attended and well used church. I accept the Petitioners' submission that these changes are necessary for the worshipping and pastoral well being of the church. The church has an electoral roll of 183 and an average Sunday attendance of 101 adults and 12 children. The Incumbent advises me that, since his appointment in 2011, average Sunday attendance was a little over 40 adults and two children. The voluntary giving has also increased by about 300% in that time.
  
9. It is of note that the Church Buildings Council was also consulted about this proposal. The CBC points out that the chancel furnishings and almost all the central block of pews are being retained, which will help to preserve the architectural significance of the building. The CBC also supports the proposal to extend the gallery and is agreed that the parish have put forward a good case.
  
10. I also accept that a case has been made out and for reasons I have given the Peacock interior has already been seriously compromised in many different ways over the years. In my judgement, the ministry of the church in this place would be diminished and inhibited if the parish is not allowed to carry out these works. In my judgement, any prejudice to the architectural integrity is outweighed by the pastoral and liturgical benefits and applying the balance of probabilities the Petitioners have made out their case and I direct that a Faculty may issue as prayed subject to the design details of floor tiling etc being agreed with the DAC under the supervision of the Archdeacon.

H. H. Judge Seed QC

Chancellor

17 January 2018