
JUDGMENT

I. Introduction

1. I have before me two petitions dated respectively 31 March 2009 and 23 June 2009 which together seek permission to carry out a substantial re-ordering of the church of All Saints', Upper Norwood.¹ All Saints' Church is listed (Grade II). The petition has been publicised in the usual way and, in addition, an advertisement of the proposals has been published in a local newspaper. English Heritage and Croydon LBC do not object to the proposals. The Georgian Society and the Victorian Society do object to the proposals but neither has elected to become a party opponent. There are no other objections. I consider that I am able to determine this petition on the basis of the papers which I have before me. I am grateful both for the clear and concise way in which the objectors have put their cases and also for the similarly clear and concise responses from the Petitioners to those cases, and to questions of my own. I have also been assisted by the comments of the DAC and of the Church Buildings Council.

2. I visited the church on 17 December 2009.

¹ The reason for there being two petitions was that it was convenient, at an earlier stage of the process, for the proposals to be considered in two parts. However it was always intended that all the works should be carried out as one project. In the circumstances it is not necessary for me in this judgment to differentiate between the two petitions.

II. Relevant Law

3. The Petitioners have to establish the case for change by demonstrating that there is need for such change.² It has always been possible that the need for a proposal might be outweighed by harm arising from it. In the context of listed buildings the approach to be applied is set out in the judgment of Cameron Ch (as she then was) in *Re St Helen's, Bishopsgate*³:

(1) Have the Petitioners proved a necessity for some or all of the proposed works, either because they are necessary for the pastoral wellbeing of St. Helen's or for some other compelling reason? (2) Will some or all of the works adversely affect the character of the church as a building of special architectural and historic interest? (3) If the answer to (2) is yes, then is the necessity proved by the petitioners such that in the exercise of the court's discretion a faculty should be granted for some or all of the works?

*This test was approved by the Court of Arches in Re St Luke the Evangelist, Maidstone.*⁴

III The Church and its History

4. In order to understand the proposals, I need to describe the church as it now is. In order properly to assess the proposals it is necessary also to have some historical appreciation of how the building has come to be as it is. In this section of my judgment, I describe the building and, as relevant, its history.
5. The church of All Saints', Upper Norwood, was built in 1827-1829 as a chapel of ease in the historic parish of Croydon. Its architect was James Savage and this was the second in a series of fine Gothic churches which he designed, the first being St Luke's, Chelsea. It stands on a fine site which is the highest point in South London, Beulah Hill, some 380 feet above sea level.

² See *Peek v Trower* (1881) 7 PD 21.

³ 26 November 1993, unreported.

⁴ [1995] Fam 1, pp 8 – 9.

6. The church was originally of a simple oblong design, with box pews and galleries on the north and south sides. The graceful west tower (to Savage's design) was not constructed until 1841.⁵ The increase in population led to the enlargement of the church in 1861-1863 to designs by Edwin Nash. This involved the construction of a chancel, vestry and Lady chapel at the east end of the church. At the west end a further gallery was built for the choir, this gallery also accommodating an organ which was situated at the very back of the church.

7. In 1898 the organ was moved from the west end to a position over the vestry at the east end.⁶ The current Victorian-style furnishing of the chancel with a double row of choir stalls dates from 1904 and it is not known what they replaced. It seems that the pews in the body of the church also date from 1904.⁷ These pews are fit for purpose and are not unattractive, but no-one suggests that they are intrinsically important. There is a fixed pulpit on the north side of the church between the nave and sanctuary and a fine brass eagle lectern which stands in a position complementary to the pulpit on the south side of the church.

8. At the east end, behind the Holy Table, was a Victorian marble reredos with two angels on either side. In 1928 this was described as *entirely out of proportion with the window above and ... a very ugly piece of work*. It may have been removed at this time. At the moment there is a comparatively simple Holy Table at the east end of the church. The

⁵ This was painted by Pissarro during his stay in South London in the 1870s.

⁶ The present pipe organ is however predominantly the work of Norman and Beard dating from 1907. It incorporates some previous pipework by Robert Hope-Jones, most of which was revoiced at that time. The organ is not currently used and in 2006 an electronic organ was introduced into the church. There are thus currently two organ consoles in the chancel at the church.

⁷ It is perhaps unlikely that the box pews survived unchanged until 1904.

rails in front of the Holy Table date from 1949. More recently a Holy Table has been introduced at the eastern end of the nave.

9. The church was bombed during the Second World War causing damage to the west end of the church. As part of the restoration work, the galleries were removed, being replaced by a small gallery at the west end only. A baptistery was constructed at the south western corner of the church, to which the font was moved.

10. Captain (later Vice-Admiral) Fitzroy of fame from the voyage of HMS Beagle is buried in the churchyard in a fine memorial which is separately listed. When the Crown Prince of Prussia and Princess Victoria attended Queen Victoria's Golden Jubilee, they stayed in the Queen's Hotel in Norwood and attended worship at All Saints'.

IV The Proposals

11. I shall next describe the proposals before me.

12. I shall begin by describing them in the form in which they were originally made. A meeting was held in the church on 24 September 2009 which representatives of the church and of the objectors attended as well as representatives of English Heritage and Croydon LBC. This led to a modification of the scheme in order to address some of the concerns raised. I think that this was a worthwhile exercise and although I appreciate that the objectors maintain their objections, I think that the willingness of the Parish to seek a degree of compromise in respect of the heritage concerns that had been raised is commendable.

13. As is usually the case it is easier to understand the proposals looking at a plan than reading a description of them, and I would refer the reader who wants fully to understand what is proposed to the detailed plans which accompanied the petition.
14. It is proposed that both the area in front of the Holy Table and also the chancel should be cleared of their existing furniture and the front row of pews be removed. A new platform would extend outwards at the level of the chancel towards the space currently occupied by the front row of pews (the chancel is at a higher level than the nave). A new Holy Table would be located at roughly a mid point of the new space, with appropriate new furniture surrounding it (i.e. chairs and stalls for clergy and servers and a credence table) and a corona above it. Communion would be administered from moveable communion rails at the front of the extended platform. There would be ramped access from the side. The pulpit would be removed; the lectern would be repositioned in front of the platform, but still on the south side of the church. A sacrament house on a stone shelf would be installed where the Holy Table now stands at the east end of the church.
15. The existing pipe organ (including its console) would be removed.
16. At the west end, nine rows of pews would be removed. This area would be enclosed by building a new western gallery, which will accommodate the choir. The console for the electronic organ and the electronic organ itself would be moved to the new gallery. Beneath the gallery would be a narthex/hall facility, this area being separated from the body of the church by a screen made of glass and wood. It would be possible for the majority of the length of this screen to be folded back if occasion should require. The

baptistery would be turned into a kitchen which would be adjoined by a WC (which would be suitable for those whose mobility is impaired).

17. Following the meeting on 24 September 2009, the original proposals were modified. Most significantly, under the revised arrangements, a Holy Table would be retained at the east end of the church. (In fact it would be the High Table currently in the Lady Chapel, and the Lady Chapel would be supplied with a Holy Table from one currently held by the church in store). The sacrament house would now rest on the Holy Table, and be illuminated by beam light sources. The wall behind the Holy Table would be dressed with a Watts fabric which would match the frontal of the Holy Table. This retained Holy Table would not replace the Holy Table proposed in the original scheme; that proposal as that remains unchanged. Thus there would be two Holy Tables.
18. These amendments address the concern in respect of the original proposals that the east end of the church looked empty. The rear row of existing choir stalls on either side of the chancel will be retained to serve as servers' stalls. This will require a redesign of the proposed new furniture so that it will match the servers' stalls. The remaining chancel furniture including the existing communion will be stored in the gallery (where there is plenty of room).⁸ Thus a visible link to the 1904 re-ordering is retained, and if there were a change in liturgical practice in the future it would be possible to put everything back as it was.
19. The designs are those of Mr Roger Molyneux RIBA of Molyneux Architects Limited, and the Church's Inspecting Architect.

⁸ It was always intended that the pulpit should be stored in the gallery.

V The need for the proposals

20. The proposals have two main purposes:

- to reconfigure the area need for worship to “open up the church” and to provide flexibility; and
- to provide hall facilities.

These purposes are evidently linked in that the provision of hall facilities will increase the usability of the area used for worship. More generally, the Vicar considers that having facilities within the church which the local community will use will help to break down barriers between that wider community and the church family within it.

21. Although provision has been made with the existing arrangements for a Holy Table in front of the chancel area, the existing arrangements are designed for the celebration of the Eucharist at the Holy Table at the east end of the church. Such arrangements have long been criticised because the celebrant is at a distance from the congregation and as potentially promoting an unhelpful idea about the service, the congregation potentially seeing themselves as only spectators. The existing arrangements are more suitable for holding the service of Matins and Evensong, but the focus of the services at All Saints’ is plainly Eucharistic; and because what is proposed is flexible, it seems to me that it would not inhibit the provision of appropriate arrangements for those services.

22. By bringing the Holy Table nearer the congregation, the new arrangements provide for the greater involvement of those attending the Eucharist. To seek to do so while retaining the chancel furniture is much less than ideal. Moreover the provision of uncluttered space surrounding the Holy Table will be something that in aesthetic terms

will be positively attractive, and in spiritual terms will assist devotion. I have already mentioned the flexibility that the new arrangements will provide. The Vicar would like to introduce a monthly children's Mass where the children are able to gather informally around the Holy table. This is not possible under the current arrangements. What is proposed would also facilitate regular use of the church by the church school for services because they would not always have to sit in the ordered rows of the current pews.

23. The new arrangements would facilitate community use of the building for concerts.

24. The immediate need for new hall facilities comes from the fact that the existing facilities have come to the end of their useful life. These facilities are known as the Parish Rooms and are a pre-fabricated building which was built in 1978/9 on land adjoining the churchyard and owned by the local education authority. The Parish is reluctant to rebuild facilities on land which is not owned by the church (a view which is supported by the Diocese). Moreover, although comparatively close to the church, the Vicar says that people still slip away after service and miss out on the fellowship that accompanies a cup of coffee and biscuit. This may seem a small matter, but in practice it is important. As regards the possibility of building a hall facility by way of an extension to the church in the churchyard, although I do not think it could be said to be necessarily impossible, it is evident that there would be planning difficulties and that such a building would be very expensive. All this points to the provision, if possible, of hall facilities within the church. First and foremost those facilities would enable the crèche and Sunday School to be operated in conjunction with the main Sunday service. It will also facilitate the provision of refreshments in connection with services. These

are facilities which work best when they are provided in or next to the church. The narthex will also function generally as a church hall i.e. for social events and for meetings. And on top of that there will be use by community groups which as well being beneficial in itself also has the benefit of getting members of the community who are not members of the Church into the church building.

25. I am satisfied that the Petitioners have made out a strong case that what is proposed is needed. The DAC are evidently of this view, and the Conservative Officer of Croydon LBC has written:

We understand the shortcomings of the existing parish hall, and the reasons why there is a desire to combine facilities within the body of the church.

26. The officer acting on behalf of English Heritage wrote:

In principle, I have no objection to the proposals and would hope that they prove a successful means of further integrating the church and local community, as intimated on our visit. I understand that the current church hall facilities located on land belonging to the adjacent school are coming to the end of their useful life, and appreciate that replacement facilities will be better situated within the church, both in terms of access and the setting of the listed building, whilst also recognising that all proposals are reversible.

27. The Victorian Society say that they appreciate the Parish's desire for a more flexible worship space; their position is simply that that need does not outweigh the harm that they see as arising.

28. In terms of the *Bishopsgate* question, I am satisfied that the Petitioners have generally⁹ proved a need for the proposed works because they are necessary for the pastoral well-being of All Saints.

VI The potential adverse effect of the proposals and the balance between the proved need and any adverse effect

29. It is convenient to consider the second and third *Bishopsgate* question together. After an observation of general relevance in paragraph 30 below, I treat separately the two aspects of the scheme which are said to have adverse effects, namely the effect of the re-ordering in the chancel and the provision of narthex/hall facilities. I consider in each case that the proved need outweighs any adverse effects. In the light of this conclusion my overall conclusion could not be in doubt, but I set it out at paragraph 45 below.
30. I should begin by noting that, as has been seen, English Heritage does not object. Nor does the local planning authority, although it is fair to say that its position is that it is content to leave to others the expression of views concerning alteration to the interior of the church.¹⁰
31. The suggestion that there will be such harm comes from the Victorian Society and Georgian Group, the Victorian Society objecting to the re-ordering at the east end of the church and the Georgian Society objecting to the proposals for the narthex/hall.
32. The principal concern of the Victoria Society is as regards the removal of the chancel fittings. They write:

⁹ I consider the position in respect of certain specific proposals in section VII below.

¹⁰ The existence of the ecclesiastical exemption does not preclude local planning authorities from making representations in respect of faculty petitions affecting the interior of churches, but in my experience many (but not all) authorities decide not to get involved.

As is standard in Victorian and Edwardian furnishing schemes the fittings here are markedly more elaborate than those in the nave. The choir and clergy stalls and frontals are highly ornamented and enriched with cinquefoil cusped arches on slender colonnettes and carved spandrels. There is a very strong argument for retaining these fittings in their original location: they are of good quality, and are part of a consistent scheme that defines the chancel area both visually and spatially; they are also serviceable, both for choral worship and as collegiate seating if the chancel is used as a chapel. In our experience, chancels which are cleared of their historic fittings rarely see much use except for over-spill seating, and often degenerate into cluttered storage spaces. (This was what happened in many Medieval churches during the 17th and 18th century which partly explained the Victorian enthusiasm for impressive and well ordered chancel fittings.)

33. The point about the opened up space being needed for storage is evidently a second order criticism. While of course there can never be absolute guarantees in matters of this kind, if the space were to be used for storage in this way it would mean that the scheme had completely failed. This is because there is no discrete area which could be used for storage between the nave and the east end.

34. I understand the point that is being made about the removal of good quality Victorian (or Edwardian) fittings which form part of the existing arrangement in what is, as it stands, an attractive church. Nonetheless these fittings are not contemporaneous with the 1861 extension and are not intrinsically outstanding. Thus although I think that, because the proposals involve loss of these historic fittings, some degree of harm results, in the scale of things I do not think that harm is of a high order. I think that what is proposed would be of good aesthetic quality and that the church will still be as attractive, albeit in a different way. Essentially my view is that the harm is not to the building – which remains attractive – but is confined to the loss of the fittings themselves (which are good but not outstanding). Accordingly it seems to me clear that any harm arising from loss of the chancel fittings is outweighed by the benefits flowing from the scheme.

35. In reaching this conclusion I have considered the suggestions as to alternative solutions that the Victorian Society have put forward. Essentially these are two-fold. First, they suggest that it might be possible to extend the platform further into the church, retaining the Victorian chancel behind it. I agree with Mr Molyneux that if this were done it would “unbalance” the interior of the church. Secondly, they suggest that the chancel fittings could be moveable. I imagine that this is possible, but it seems to me that it is unrealistic to think that this heavy furniture would in practice be moved backwards and forwards. I think that if these were really important fittings one might contemplate the practical difficulties such a solution would pose but, as it is, I do not think that it is appropriate to go to this sort of length.

36. In its objection dated 4 April 2009, the Georgian Group, having summarised the alterations made to the building over the years describe it as follows:

The original Georgian chapel, at the heart of the church, forms a small but elegant worship space.

37. For my part, I do not think that the building “reads” in this way. On entering one’s eye is inevitably drawn towards the east end – which of course dates from the 1861 extension. Some of the elegance of the worship space that was the original chapel seems to me to derive from the tall columns and the light filled space that they enclose. That space would have been very different when on either side of the nave there were substantial galleries and, instead of the current unobtrusive pews, the seating accommodation was by way of box pews. I do not think that the building has a particularly Georgian feel to it.

38. I should also note that in the Georgian Group's view, putting back a gallery at the west end would reflect Savage's original design. I have not seen those designs and, as I have noted, the western gallery that was removed after the war dated from 1861. This point might seem something of a red herring because the Georgian Group is plainly of the view that, overall, what is proposed by way of the narthex/hall is harmful to the church. However, I think that it is relevant to a degree. To my mind, this galleried extension (albeit closed in) is not wholly out of keeping with the spirit of this sort of Georgian/Victorian building, because such churches very often did have galleries – as this one did.

39. In its letter dated 4 April 2009, the Georgian Group says:

... we object to the sub-division of the horizontal and vertical space of the church on this scale due to the damaging impact upon the proportions of the west end of the nave and because the Group does not regard [sic] that adequate justification for the development has been provided.

40. I do not think that the Georgian Group is questioning the need for hall facilities. Rather it suggests that such facilities could be provided behind a completely portable screen. There could be an experiment with this arrangement and only if it proved unsatisfactory would it be necessary to build the gallery.

41. There are evident attractions to what the Georgian Group suggest although one can also see immediate practical difficulties – the Parish are looking to have one scheme to address all the building issues which they can foresee arising.¹¹ If at all possible one wants to decide at this stage whether what is proposed is acceptable.

¹¹ It may be that the WC issue is not resolved before the building works are carried out (see paragraphs 57 to 59 below) but, if so, this will not be ideal.

42. I do not think that a partitioned off area at the back of the church is likely to prove satisfactory, save perhaps as an area for refreshment after service for which there is not a strong need for enclosure at all.
43. I do not accept that what is proposed does, to a degree, adversely affect the appearance of this listed church. But it does so in a way which as I have explained is not entirely unhistorical. Further if a person is sitting in the church with the gallery behind him, it will not impinge on him at all. Finally although I think that what is proposed will indeed impinge upon *an elegant worship space* (not in my judgment, particularly small), I do not think it will be having an effect on what feels particularly like a Georgian space.
44. Accordingly I think that, as regards this aspect of the scheme also, the need that has been demonstrated outweighs the degree of harm that it will cause to the building.
45. Considering the scheme overall, it flows from my conclusions set out above that in my judgment some of the works proposed will, to a degree, adversely affect the character of the church as a building of special architectural and historical interest. However I consider that the necessity proved by the Petitioners is such that in the exercise of the court's discretion a facility should be granted for the works.¹²

VII Specific Matters

46. I turn to consider a number of specific matters arising in relation to the proposals.

¹² This conclusion is potentially subject to qualification in respect of the matters considered in section below.

Holy Tables and Corona

47. From a liturgical point of view I do not think that one would have two Holy Tables; rather it is essentially for the aesthetic reason that otherwise the east end of the church would look bare that a Holy Table at the east end is retained.¹³ It is given some function, of course, because the sacrament house stands upon it but that is not a function as a Holy Table. This does cause me some concern. On balance I think that the solution of having two Holy Tables is to be preferred. I would ask the Parish – I cannot realistically make it a condition of the grant of a facility – to experiment and to seek to find a Eucharistic service which would, at least occasionally, use the Holy Table at the east end of the church. This would mean that it did have a continuing function, which would be understood in the congregation.
48. Highlighting the Holy Table by a corona or something similar is, it seems to me, generally a good idea in schemes like this. I think that it is particularly a good idea in circumstances where there will be a second Holy Table at the east end of the church.

The Church Buildings Council said initially:

The Council was concerned that the introduction of a corona over the new forward altar would restrict the use of the newly re-ordered chancel and may prove to be in the wrong location (too far eastwards). Careful lighting could achieve the same effect without restricting the flexibility of the space.

49. I asked the Council to elaborate this and they replied as follows:

With regard to the corona, the positioning of this would restrict flexibility in the sense that the altar can only be sensibly located beneath it. If it were to prove that the altar would be better located further forward or even slightly adjusted the corona would prevent this being easily carried out. It could also look rather incongruous for other events such as concerts as suggested. The reference to careful lighting by the Council is to indicate that a lighting

¹³ I do however agree with the Archdeacon of Croydon who points out that to retain a Holy Table at the east end means that those attending a concert at the church would be visibly reminded that they were in a church.

scheme could be used to highlight the altar, thereby drawing attention and significance to it without being confined to one specific location.

50. In terms of concerts I doubt if it much matters, but I do take the point which the Council is making. What I shall do is to ask the Petitioners to look again at the corona with the assistance of the DAC and the CBC. This is an important detail which one wants to get right. I should explain that I am not saying that there should not be a corona – I think that there are good reasons for suggesting it – but I would like the whole issue to be looked at afresh.

The Pulpit

51. The pulpit is of good quality – a point which has been picked up by the Church Buildings Council, which although it considers the removal of the pulpit acceptable, equally does not think that its retention would unduly compromise the re-ordering scheme. The Victorian Society wish to see the retention of the pulpit.
52. I have not found this an easy matter to decide. As well as the aesthetic issue, I also take the point that a pulpit, emphasising as it does the preaching of the gospel, has both a symbolic and (potentially, at least) liturgical significance. Nonetheless, on balance, I do not require it to remain. It seems to me that it does not, truly, “fit in” with the proposed re-ordering and would appear to be something “left over”. It would compromise the integrity of the proposals for change. No doubt that could be tolerated, but where one is making radical alterations to the way a church will appear and will function there is a good argument not to compromise too much. One wants here a really excellent scheme that will draw people into the church. I do not think that the

intrinsic merit of the pulpit is so high that the scheme should, to a degree, be compromised.

Carpeting

53. The Victorian Society take a point on carpeting:

From our experience large areas of carpet in a church setting can create an unfortunate visual and acoustic effect. The existing chancel floor treatment on the other hand is simple but attractive and fits well with the classical fittings and overall character of the church.

54. Part of the floor at the east end will remain uncovered, allowing the stone floor and ceramic tiles to be seen. What will be covered is not in my judgment of particularly high quality, and the carpet will emphasise the unity of the new arrangements (whereas not carpeting the existing uncarpeted areas would emphasise the superseded arrangements and would, I think, look odd). I suspect that there may be some compromise of the acoustic performance of the building but I have no reason to expect a particularly bad effect from the carpeting. The choir and the organ of course will be at the other end of the church.

Access to the West Gallery

55. As proposed this was by stairs, which would not pose a problem to any members of the existing choir. Nonetheless these days – whatever the precise legal position – it seems to me one cannot be putting in a facility of this kind without making provision for those whose mobility is impaired. Mr Molyneux confirms that a chair lift can be installed as part of the proposed staircase, and I shall require this to happen.

Pipe Organ

56. There can be no objection to removal of the pipe organ, but the parish should comply with any request from the DAC Organs Adviser as to the disposal of any historic pipes.

WCs

57. There are no WCs in the church at the moment, so of course **any** provision is an improvement.¹⁴ Nonetheless the provision of only one WC is not entirely satisfactory just for a church; still more so in respect of one which incorporates a hall facility which is intended for community use. Not surprisingly, the DAC raised this with the Parish at an early stage. The Parish answered as follows:

In terms of the Codes of Practice, we agree that the seating numbers within the building demand more toilet accommodation. We have explored the building extensively, however, and concluded that, architecturally, only one can reasonably be accommodated. It would be necessary to locate the toilet accommodation together because of the complexity of the sewerage removal or treatment (see 6 below) such accommodation, if more than one cubicle, would take up valuable space within the proposed Narthex.

58. The point about the complexity of sewerage treatment is that there is difficulty with mains drainage, and the use proposed will drain not to the main but a domestic treatment system.
59. I understand all this and I do not think that it would be appropriate to withhold the grant of a facility for this reason. Nonetheless I can see that there is likely to be a pressure in the future for the provision to be made – in a sense I hope that there is, because it would demonstrate the success of the proposals. One can see that it may be better to grasp the nettle now rather than to “retrofit” later (although I can also see that the options are limited and the possibility of adding WC accommodation in the future it might not

¹⁴ There are WCs in the Parish Rooms.

make any difference to the current design). Accordingly I am going to leave this matter to the Parish. If they did want to come back with amended proposals, I am sure that they could be quickly assessed by the DAC. On the other hand they may decide that there is nothing further that they want to do at this stage. If they do choose this second option, the position will at least be that they have the issue well in mind.

VIII Conclusion

60. A faculty will issue in this case which will be conditioned along the lines that I have indicated. A faculty will issue for the entirety of the works except for the corona. I shall require detailed proposals in respect of the treatment of the western Holy Table to be submitted within 6 months following consultation with the DAC and CBC. I shall also require details of the new furniture to be submitted within six months. The existing furniture¹⁵ and pulpit is to be stored in the new gallery. Before the works are carried out, a photographic record of the inside of the church is to be made. One set is to be kept in the church and one set given to the archive of Croydon LBC. The works are to be completed within 18 months of the issuing of the faculty.
61. This is an imaginative scheme. I hope that it will be successful in the context of the church and community in Upper Norwood. I also hope that those who view these matters from a professional viewpoint judge it to be a sensitive and successful re-ordering.

PHILIP PETCHEY

Chancellor

27 April 2010

¹⁵ Save for that which is to be adapted to provide the servers' stalls.