

# THE CHELSEA SOCIETY

THE ANNUAL REPORT 1975



# C O N T E N T S

	<i>Page</i>
ILLUSTRATIONS - - - - -	4
COUNCIL OF THE CHELSEA SOCIETY AND CONSTITUTION - -	6
ANNUAL GENERAL MEETING - - - - -	8
THE PRESIDENT'S TRIBUTE TO THE RETIRING CHAIRMAN AND INTRODUCTION OF THE NEW CHAIRMAN - - - -	8
THE CHAIRMAN'S REPORT FOR THE YEAR 1975 - -	13
1. Membership	
2. Summer Meeting	
3. Architectural Heritage Year	
4. Traffic Strategy in Chelsea	
5. List of Buildings of Architectural or Historical Interest	
6. Cardiothoracic Hospital	
7. Katyn Memorial	
8. Pheasantry and adjoining sites	
9. Houseboats	
10. 33 Tite Street	
11. Meek Street—Public Inquiry	
12. Borough Development Plan. Context Papers	
13. Battersea Park	
TEN YEARS	
by NOEL BLAKISTON - - - - -	28
CHELSEA 1975	
by LESLEY LEWIS - - - - -	36
CLIPPER RACE - - - - -	55
FINANCIAL STATEMENT - - - - -	56
APPENDIX—JUDGEMENT OF CONSISTORY COURT ON KATYN MEMORIAL - - - - -	58
LIST OF MEMBERS - - - - -	68

## ILLUSTRATIONS

	<i>Page</i>
1. King's Road from Royal Avenue - - - -	38
2. Cadogan Square to Pont Street - - - -	38
3. Cadogan Place - - - -	39
4. Skinner Place - - - -	39
5. Pont Street Mews - - - -	40
6. Smith Terrace - - - -	40
7. St. Luke's Church - - - -	41
8. Glebe Place Studios - - - -	41
9. Chelsea Green - - - -	42
10. Mulberry Walk - - - -	42
11. Elm Park Lane - - - -	43
12. Chelsea Park Gardens - - - -	43
13. Upper Cheyne Row - - - -	44
14. Crosby Hall and Chelsea Old Church - - - -	44
15. 64 Old Church Street - - - -	45
16. Shalcomb Street - - - -	45
17. Burnaby Street and World's End Tower Block - - - -	46
18. Chelsea Basin Warehouses - - - -	46
19. Battersea and Albert Bridges, and Houseboats - - - -	47
20. Balloon Tavern, Lots Road - - - -	47

# THE CHELSEA SOCIETY

*founded by Reginald Blunt in 1927  
to protect and foster the amenities of Chelsea*

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## *President*

THE EARL OF ANTRIM, K.B.E.

## *Vice-President*

THE WORSHIPFUL THE MAYOR OF KENSINGTON AND CHELSEA

## *Council*

*Retiring Chairman* NOEL BLAKISTON, ESQ., O.B.E.  
*New Chairman* QUENTIN MORGAN EDWARDS, ESQ., M.A.  
FRANCIS BADEN POWELL, ESQ., A.R.I.B.A., A.A.DIPL.  
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MISS JOAN DAVIS, S.R.N.  
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JOHN YEOMAN, ESQ., M.A.

## *Hon. Treasurer*

MRS. PATRICIA C. GELLEY

## *Joint Hon. Secretaries*

MRS. LESLEY LEWIS, M.A., F.S.A.  
MRS. BRYAN CARVALHO

## *Hon. Membership Secretary*

MISS BARBARA M. TOWLE, M.B.E.

## *Hon. Auditor*

R. D. CLARKE, ESQ., F.I.A.

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THE CHELSEA SOCIETY

17 MERIDEN COURT, CHELSEA MANOR STREET, SW3 3TT



# CONSTITUTION

1. (1) The Chelsea Society shall be regulated by the Rules contained in this Constitution.
- (2) These Rules shall come into force when the Society has adopted this constitution at a General Meeting.
- (3) In these Rules the expression "existing" means existing before the Rules come into force.

## OBJECTS

2. The Objects of the Society shall be to preserve and improve the amenities of Chelsea by all available means and particularly—
  - (a) by stimulating interest in the history, character and traditions of Chelsea;
  - (b) by encouraging good architecture, town planning and civic design, the planting and care of trees, and the conservation and proper maintenance of open spaces;
  - (c) by seeking the abatement of nuisances;
  - (d) by promoting the interests of residents and practitioners of the fine arts, especially in regard to their enjoyment of their homes, studios and surroundings; and
  - (e) by making representations to the proper authorities on these subjects.

## MEMBERSHIP

3. Subject to the provisions of Rule 7, membership of the Society shall be open to all who are interested in furthering the Objects of the Society.

## THE COUNCIL

4. (1) There shall be a Council of the Society which shall be constituted in accordance with these Rules.
- (2) The Society shall elect not more than twelve members of the Society to be members of the Council.
- (3) The members of the Council so elected may co-opt not more than four other persons to be members of the Council.
- (4) The Officers to be appointed under Rule 5 shall also be members of the Council.
- (5) In the choice of persons for membership of the Council, regard shall be had, amongst other things, to the importance of including persons known to have expert knowledge and experience of matters relevant to the Objects of the Society.
- (6) The Council shall be responsible for the day-to-day work of the Society, and shall have power to take any action on behalf of the Society which the Council thinks fit to take for the purpose of furthering the Objects of the Society and shall make and publish every year a Report of the activities of the Society during the previous year.
- (7) The Council shall meet at least four times in each calendar year.
- (8) A member of the Council who is absent from two successive meetings of the Council without an explanation which the Council approves shall cease to be a member of the Council.
- (9) Three of the elected members of the Council shall retire every second year, but may offer themselves for re-election by the Society.
- (10) Retirement under the last-preceding paragraph shall be in rotation according to seniority of election.  
Provided that the first nine members to retire after these Rules come into force shall be chosen by agreement or, in default of agreement, by lot.
- (11) Casual vacancies among the elected members may be filled as soon as practicable by election by the Society.
- (12) One of the co-opted members shall retire every second year, but may be again co-opted.

## OFFICERS

5. The Council shall appoint the following officers of the Society, namely—
  - (a) a Chairman of the Council,
  - (b) an Hon. Secretary or Joint Hon. Secretaries,
  - (c) an Hon. Treasurer, and
  - (d) persons to fill such other posts as may be established by the Council.

## PRESIDENT AND VICE-PRESIDENTS

6. (1) The Council may appoint a member of the Society to be President of the Society for a term of three years, and may re-appoint him for a further term of three years.
- (2) The Council may appoint persons, who need not be members of the Society, to be Vice-Presidents.

### SUBSCRIPTIONS

7. (1) The Council shall prescribe the amount of the subscriptions to be paid by members of the Society and the date on which they are due, and the period in respect of which they are payable.
- (2) Membership of the Society shall lapse if the member's subscription is unpaid for six months after it is due, but may be restored by the Council.
- (3) Until otherwise prescribed under this Rule, the annual subscription and the amount payable for life membership shall continue to be payable at the existing rates\*.
- (4) Members are invited to pay more than the prescribed minimum, if possible.
- (5) Members who pay annual subscriptions are requested to pay by banker's order, unless they are unwilling to give banker's orders.

### GENERAL MEETINGS

8. (1) In these Rules "General Meeting" means a meeting of the Society which all members of the Society may attend.
- (2) The Council shall arrange at least one General Meeting every year, to be called the Annual General Meeting, and may arrange as many other General Meetings, in these Rules referred to as Special General Meetings, as the Council may think fit.
- (3) General Meetings shall take place at such times and places as the Council may arrange.
- (4) The President shall preside at any General Meeting at which he is present, and if he is not present the Chairman of the Council or some person nominated by the Chairman of the Council shall preside as Acting President.
- (5) Any election to the Council shall be held at a General Meeting.
- (6) No person shall be eligible for the Council unless—
  - (i) he or she has been proposed and seconded by other members of the Society, and has consented to serve, and
  - (ii) the names of the three persons concerned and the fact of the consent have reached the Hon. Secretary in writing at least two weeks before the General Meeting.
- (7) If the Hon. Secretary duly receives more names for election than there are vacancies, he shall prepare voting papers for use at the General Meeting, and those persons who receive most votes shall be declared elected.
- (8) The agenda for the Annual General Meeting shall include—
  - (a) receiving the Annual Report; and
  - (b) receiving the Annual Accounts.
- (9) At the Annual General Meeting any member of the Society may comment on any matter mentioned in the Report or Accounts, and may, after having given at least a week's notice in writing to the Hon. Secretary, raise any matter not mentioned in the report, if it is within the Objects of the Society.
- (10) The President or Acting President may limit the duration of speeches.
- (11) During a speech on any question any member of the Society may move that the question be now put, without making a speech, and any other member may second that motion, without making a speech, and if the motion is carried, the President or Acting President shall put the question forthwith.
- (12) If any 20 members of the Society apply to the Council in writing for a special Meeting of the Society, the Council shall consider the application, and may make it a condition of granting it that the expense should be defrayed by the applicants.

### TRANSITIONAL PROVISIONS

9. (1) The existing Council shall continue to act for the Society until a Council is formed under Rule 4.
- (2) Within five months of the adoption of the constitution the existing council shall arrange an Annual or a Special General Meeting at which the first election to the Council shall be held.
- (3) The existing Officers of the Society shall continue to serve until Officers are appointed under Rule 5.

### AMENDMENTS

10. (1) These Rules may be amended by a two-thirds majority of the members present and voting at an Annual or Special General Meeting, if a notice in writing of the proposed amendment has reached the Hon. Secretary at least two weeks before the General Meeting.
- (2) The Hon. Secretary shall send notices of any such amendment to the members of the Society before the General Meeting.

### WINDING-UP

11. In the event of a winding-up of the Society, the disposal of the funds shall be decided by a majority vote at a General Meeting.

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\*The existing rate is £1 annually payable on the 1st February, or a lump sum of £15.00 for life membership.

# *The Annual General Meeting*

of the Chelsea Society was held at  
The Chelsea College of Science and Technology  
(by kind permission of the principal)  
on Tuesday, 28th October, 1975 at 8.30 p.m.

The President, The Earl of Antrim, took the Chair.

He welcomed the Deputy Mayor, Councillor Collenette and Mrs. Collenette, and thanked the Principal of the College, Dr. Ingram, for his hospitality in allowing us the use of the Assembly Hall.

The Minutes of the Annual General Meeting held on 29th October, 1974 were duly approved and signed by the President.

The President said that before introducing the new Chairman, Mr. Quentin Morgan Edwards, he would like to say a word about the retiring one who had served so ably and with such charm all the time he had been Chairman. He had not been too well lately and so from that point of view his earlier decision to retire had probably been a wise one. He would not retire from our Councils but would be there with advice and wisdom to share. He was as near to perfection as a Chairman could be. The President concluded by saying that all would regard Noel Blakiston's retirement with the greatest possible regret and sadness and he thanked him on behalf of the whole Society for all that he had done.

Noel Blakiston replied saying that he would not say very much as the idea of these meetings was to have time to enjoy the refreshment and sociability after the conclusion of business rather than to indulge in oratory for its own sake. In any case it was not goodbye. After tonight he would take his place in the body of the hall where he used to be and where he was very happy. He referred to the members of the Council, to two impeccable presidents (both so helpful with so much wisdom), to past and present secretaries (holding him up in his position as Aunt Sally) and to the Treasurers. He wanted this evening particularly to thank the members for all their support and encouragement, filling the room for our meetings even on wet or foggy evenings.

Mrs. Hester Marsden Smedley said she thought everyone would agree that Noel was the perfect Chairman bringing together as he did the past, present and future which was exactly what the position required.

The President then introduced the new Chairman, saying that he had all the qualities necessary to carry out the task, brain, integrity and farsightedness.

*Quentin Morgan Edward's reply*

It will indeed be difficult to follow two such Chairmen as Basil Marsden Smedley and Noel Blakiston.

Although this item on the Agenda is to present the new Chairman, it really is Noel Blakiston's occasion. It is almost ten years since he became our Chairman. Obviously much has happened in that time but it is surprising and instructive to see that some topics, current then, remain current now. Indeed one of the first matters to be considered was the proposed redevelopment of Tedworth Square. The views of the Society then, reiterated the 1934 report of the Chelsea Society to the effect that new buildings—in the area of Chelsea Embankment—should be restricted as to height and plan so that buildings of architectural and historic interest should not be put out of countenance by high buildings at close range or even in the middle distance. We still have the problems of Tedworth Square but what we said about high and massive buildings in 1934 and 1966 is equally applicable to the new hospital—the Cardiothoracic Unit—proposed for Sydney Street. I found it most instructive listening to Noel Blakiston, who was representing the Society at a meeting with the hospital authorities. He spoke with great feeling—but at the same time he preserved a lightness of touch, wit and charm. This gave greater effect to his words. Indeed I am quite sure that the way in which he presented the Society's case has had a great deal to do with our success in the leading of the Council—its planning committee—very strongly represented at that meeting—to suggest the sort of modifications that we are looking for.

But of course *the* continuing problem for Chelsea ever since the Society was founded has been the Embankment traffic.

At the time of the Layfield Enquiry the Chelsea Society was able to present a united front with the Borough Council, having, I might remind you, brought the Council around to its own way of thinking. Noel Blakiston was largely responsible for this, as he was equally responsible for drawing on your generosity to ensure that our views were properly represented. I think that Noel and the Society can claim victory. I personally cannot see that the traffic problems of the Embankment, Earls Court and Redcliffe Gardens

will ever be solved until—dare I say it—the road system is improved. And this seems to be the way that the DOE are pointing, judging from what we have seen in the press recently. But you may be quite sure that the Society must oppose any sort of scheme, designated lorry route or whatever it might be called, which involves large scale destruction of houses, conservation areas, communities and our own particular Embankment. We certainly aim for improvement, but at least we must make sure that there is no further deterioration.

We all know of the steady destruction of Old Chelsea. But I am not sure that it has been any worse in the last few years, than, say, between the wars. The first report of the Society was very concerned with the new Lots Road power station. Then the large blocks were built—now housing many of our members. But, as we know, the last year or so has seen a change and large scale development is very out of fashion. May it continue so. Partly the reason is economic and financial, and partly it has been due to the pressure of amenity groups and societies such as our own. From the government down we are all becoming environmentalists. But I must stress that the Chelsea Society has not just been concerned with the set piece battles that hit the headlines. So much of its work is concerned with seemingly petty detail. Every single planning application is considered by the Society. Improvements are suggested, architectural details are preserved, the spirit and character of a neighbourhood protected. If you want an example look at last year's report and the article by Lesley Lewis, one of our particularly hard working Secretaries. This was on the houses in Elystan Street. We were not entirely successful, but you will see how we approach the task and what strikes us as being important in order to preserve the street scene. Now we can only achieve this form of conservation if we maintain the sympathetic attention of the planning officers and the planning committees. I think that one of Noel Blakiston's most significant achievements has been the sense of co-operation that now largely prevails with the planning authorities. As he has said in the past, pressure groups can be set up quickly for specific purposes to attack particular targets and perhaps antagonise people in the process. They might well achieve a most laudable purpose and good luck to them. But the Chelsea Society can't operate on that basis. It continues, and it must work almost entirely by co-operation. The co-operation it now receives—and the respect in which it is held by the Council are largely due to Noel. And I count that a very significant achievement. There is something else, too, that I would like to mention, namely the annual reports. For some time there has been a prize for company reports and I am quite sure that if there were a prize for amenity societies then the Chelsea Society would win hands down. Noel seems to have had a particularly happy touch as Editor and contributed not only content but also form. The reports are a lasting record of Chelsea past and present.

Although, as I said, this evening is Noel's and we celebrate ten successful years, I am sure you would also wish to consider the future. I have already said that the Society must work by co-operation and there will be no changes on this front. Nor is the Chairman a dictator to impose his own feeling on the Council of the Society or its members. But obviously I have some views about the future and would be quite useless as your Chairman if I did not.

I think we must try and make the membership larger. It must continue to reflect—but perhaps even more so—every age group and every social class. In some ways we are an elite, an elite of people who have cared about our environment for many years. But the more accurately the Society can be seen to be representative of everyone living in Chelsea the more powerfully we can fight the battles of the future.

In the last few years many local amenity groups have been formed. In 1973 our annual report reviewed 12 of them. Perhaps there are three or four times that number now. I think we must have much closer liaison with each other and one of my aims will certainly be to achieve this so that we can contribute to each other's strength and purpose.

It would be very good if we could also look outside Chelsea to neighbouring societies so that common problems—obviously traffic—can be tackled co-operatively.

Having lived virtually on the King's Road for some time, but now fortunately, slightly apart from it, I know what destruction of the environment is caused by burglar alarms. We must try and do something about this and I am sure we can. Surely it must be possible to incorporate an automatic cut out, perhaps the council could introduce a bye-law or impose restrictions in planning consents or prosecute offenders. There must be ways and it certainly comes within the scope of one of the objects of the Society—seeking the abatement of nuisances.

Another object is the conservation and proper maintenance of open spaces. Contrast the attention lavished on the private squares with the conditions of our public open spaces. I think that the division between them is too wide. Despite the financial stringency I really think that an improvement is overdue in terms of layout planting and upkeep. Noel Blakiston will be delighted to hear that, after much pressing on his part, the Borough Council Environmental Advisory Committee, are producing a report on the Cremorne Gates which perhaps we might after all have installed in the Old Burial Ground. But the Burial Ground desperately needs a facelift if it is to be a worthy setting for the Gates. I think that this Society must press for this.

Finally I'd like to suggest that we should perhaps meet more frequently. I think that the turn out at our meetings is always fantastic and if there were too many meetings this might not be so. But our secretaries have come up with the idea of a film show. A film that they have seen on Conservation in connection with the Architectural Heritage Year showing how this has been tackled in different European countries. Also our President has suggested an additional and similar type film made by a local authority—Kent—either as hors d'oeuvres or savoury. Apparently they are both particularly interesting and of high quality and furthermore—not too long. Fortunately it seems that the Army Museum would be able and willing to repeat their generous hospitality of this summer and let us have their large lecture room with charge apart from the cost of any attendants necessary. We hope we might be able to send you details when the Annual Report is sent out.

Obviously these are additional ideas to the main purpose of the Society which must remain as the intelligent conservation and enhancement of our environment. The tide is in our favour in general terms. I think it is so particularly in Chelsea because we have been lucky enough to have as Chairman someone who has felt passionately about Chelsea and our environment. He has not only felt passionately but he has worked incredibly hard, on our behalf, on behalf of everyone living in Chelsea, to stem deterioration and press for improvement. You might think more could have been done—more buildings saved or far higher standards for new buildings. Well I must remind you that the Chelsea Society is not the planning authority for the area, nor do our victories often see the light of day. We work by quiet and well directed pressure and the increasing influence that we have is largely due to Noel Blakiston.

Fellow members—and our most welcome guests—I would ask you to applaud the many successful years of Noel as our Chairman.

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The President then called upon the retiring Chairman, Noel Blakiston, to present his report for the past year. From the following full report items 3, 6 (part), 8, 9, 11 and 13 (part) were actually spoken.

# *The Chairman's Report*

## 1. *Membership*

Our membership at present is 889.

## 2. *Summer Meeting*

Our Summer Meeting was held on 11th June at the National Army Museum at the generous invitation of Mr. William Reid, the Director, to whom we are most grateful for an enjoyable visit to this most fascinating museum. The museum itself had been opened after hours in order to give members the opportunity of visiting and viewing it. A small military band played in the long gallery while members were arriving and taking refreshments, and also after the Chairman had spoken. The Chairman thanked our host and spoke briefly on current matters, including his decision to retire at the Annual General Meeting in October. He also announced that the Council of the Society had elected Mr. Quentin Morgan Edwards, who had been co-opted on to the Council earlier in the year, as his successor.

## 3. *Architectural Heritage Year 1975*

Last year we regretfully reported that of all the suggestions we had put forward only four were at that time still under consideration by our Borough. Now, as this Architectural Heritage Year 1975 draws to a close, all that our Borough has achieved are the Town Walks and the painting of the King's Road terrace opposite the World's End. Architectural Heritage Year has been described as the laying of a foundation stone rather than the putting up of a memorial. Let us hope this proves to be the case in Chelsea and that some scheme worthy of us will yet emerge.

## 4. *Traffic Strategy in Chelsea*

The major traffic problem in Chelsea remains what it has been for years, namely to reduce the deluge of vehicles of all sorts converging from the north-south roads on the western side of the Borough onto Chelsea Embankment. Our hope, as that of the Borough, for the solution of the problem, has been the construction of a north-south relief road in West Chelsea and of a new bridge over the river there. The impoverishment of the country has postponed indefinitely the realisation of any such hope, while the policy of the Greater London Council has perhaps killed it quite. For the GLC has now abandoned the safeguarding of the necessary land for such a road.



A new scare, of unparalleled enormity, troubled us for a time when a proposal was made to site a London terminal for the Channel Tunnel in the neighbourhood of Shepherd's Bush. The abandonment of the Tunnel project gave the greatest relief to those concerned with the traffic prospects of the Royal Borough.

Meanwhile we awaited news of any serious efforts on the part of the GLC to tackle the traffic problems of central London, and particularly the problem of heavy lorries. In May the GLC issued a publication *Lorry Routes and Bans*, which suggested channelling traffic out of unsuitable streets onto a network of main roads designated as lorry routes. It need hardly be said that Chelsea Embankment and the north-south roads leading up from Cheyne Walk towards Shepherd's Bush would be among the designated.

On 4th June, 1975 we wrote to the GLC as follows:

"Your communication *Lorry Routes and Bans* and map have been considered by the Council of this Society.

We are unanimously of the opinion that no management measures will be effectual until the GLC makes and carries out a strategic plan including new roads suitable for taking large lorries. For Kensington and Chelsea the decision not to build Ringway 1 with a new road bridge (or tunnel) near Lots Road was, in our opinion, disastrous. Without this, lorries can only be manipulated from one street to another, all equally unsuitable for the size of the vehicles.

The components of the whole problem are too complicated for a local amenity society to assess, but it appears to us that some of the GLC's conclusions as to the continued growth of lorry traffic are fallacious, and that possibly it is not really necessary for so much freight to be constantly moved around in huge lorries which may be partly empty.

We think that the whole matter of London traffic should be dealt with on a national level since it is evident that the GLC's traffic policies have failed."

On 12th July a meeting of CALM (Campaign Against the Lorry Menace) was convened at Kensington Town Hall. Representatives of many London amenity societies were present in a crowded hall. The Chelsea Society's representative was Mrs. Dorothy Rowe. The meeting unanimously passed a resolution that the GLC should abandon the lorry routes plan.

Mr. Martin Foulkes, Assistant Chief Planner (Freight), of the Department of Planning and Transportation, spoke of the difficulties before the GLC and of its desire to be a partner with the public in searching for the right solutions. His reasonable speech was applauded, but apart from the negative resolution above-mentioned he can

hardly have felt that the meeting gave him clear instructions as to the policies they would wish him to pursue.

#### 5. *List of Buildings of Achitectural or Historical Interest*

At the request of the Borough for any suggestions the Chelsea Society might have for the inclusion of additional buildings in a revised List of Buildings of Architectural or Historical Interest in Chelsea, the Society in February 1975 sent a list of such suggestions on twenty-one pages of typescript. The compilation was entirely the work of Lesley Lewis. The list which, in its assessment of quality, advances several decades beyond the former list, differs from it also in not restricting itself to a house by house appraisal. Much has been recommended for its group value. May many of our recommendations be accepted.

#### 6. *The Cardiothoracic Hospital*

It is painful to the Chelsea Society when, in obedience to its duties as a custodian of Chelsea's amenities, it finds itself at issue, not with some grasping developer, but with the propogators of a worthy, public cause. In these cases we find we have an inner conflict. Such a case is that of the proposed Cardiothoracic Hospital in Sydney Street. There can hardly be a cause with which we all must be in such sympathy as that of the welfare of our hospitals. But we are dismayed at the monster proportions of the intended building.

Your Chairman has twice enjoyed the hospitality of the Brompton Hospital for periods of a fortnight, and cannot speak too highly of the efficiency, good spirit, good humour and patience of the staff there of all grades. His debt to the Hospital is very great. At the same time he has also developed a sincere respect and affection for the Tudor Gothic building on the north side of Fulham Road, and for its light and airy wards and passages. Has this building really served its purpose? And the high terracotta building opposite, is it also ready to be scrapped? Is it really essential that all the functions of the new hospital should take place under a single roof, and such a high one?

With regard to the Hospital proposals the following letters have passed between the Chelsea Society and the Borough:

**14th March.** "We recognise the fact that this site will be developed for medical purposes, and that it comes under Circular 80 and will not be subject to the normal Town Planning procedures. It is therefore not only of the greatest concern to the immediate neighbourhood but is a major development of importance to London as a whole and has national and international implications. For all these reasons we consider that the subject should be referred to the Secretary of State for the Environment

and called in by him for a non-statutory public local enquiry as envisaged in Circular 80; and we are sending a copy of this letter to him.

We are dismayed at the monster proportions of the development as shown on page 13 of the brochure. Not only is it massive in plan, covering the whole of the site, but a considerable part of it is 100ft. high, i.e. two-thirds the height of the tower of St. Luke's Church, while its length is equal to both halves of St. Luke's churchyard. Even the lower parts of the scheme dominate the surrounding residential buildings. The scheme as a whole is totally overwhelming and completely out of scale with a low-built residential neighbourhood.

A mammoth institution inevitably blights the residential character of the neighbourhood in which it is placed, attracting large numbers of workers and visitors and generating traffic. Not only that but the mere threat of it has a blighting effect causing oppression and injustice to local residents. Staffing problems for normal services, e.g. public transport, rubbish collection etc. are particularly acute in Chelsea owing to the small amount of working class housing. From where would the Centre draw the armies of cleaners, porters etc. who would be needed, and for whom anything like hostel accommodation would be unsuitable?

We fear, too, that these plans are only a beginning and that further development may be intended for the two parts of the Brompton Hospital, north and south of the Fulham Road, and the block of North Parade between the Fire Station and the Prince of Wales Public House. There seems also to be a question mark hanging over Guthrie Street and the London Oratory Schools, and we wonder whether the Royal Marsden and Chester Beatty Institute adjoining the Synagogue Cemetery may not follow suit and also wish to extend upwards to 100ft.

Surely there should be a phased development plan taking all these sites into consideration so that the overall height and concentration on this particular area could be considerably reduced. More specifically we would like to see the Victorian buildings comprising the Brompton Hospital on the north side of the Fulham Road preserved as listed buildings: perhaps they could be converted for some of the 'fairly extensive staff residential accommodation'. We would infinitely prefer the boiler houses to be placed elsewhere than in the charming mature existing garden of St. Wilfrid's Convent which could more appropriately form a nucleus for new open space. The height of the chimney is an affront to the residents of Dovehouse Street. Finally, we cannot recommend too strongly that no demolition be permitted until the developing authority is ready to start building immediately.

We would like to know whether the Borough will take the

opportunity of advertising this scheme, as empowered under Circular 80, as one having 'a substantial effect on the character of a conservation area . . . (with) . . . a significant planning impact beyond the . . . site, whether visually or otherwise (e.g. in the generation of traffic)'. Further we would be glad to know if you propose to consult the GLC as asked under the Circular 80 procedure. As a first step would you as Borough Planning Control Officer be prepared to convene a consultative meeting at the earliest possible moment with our Member of Parliament at which the GLC, the Borough, the Chelsea, Kensington and Fulham Societies and relevant residents associations would be represented. We are circulating copies of this letter accordingly."

**20th March from the Borough:** "Thank you for your letter of 14th March, 1975 expressing the Society's comments on the Circular 80/71 submission. I am reporting the proposals to the Town Planning Committee in May, and the Members will, of course, be informed of the views which you express. The Director of Architecture and Planning and myself have met the architect on several occasions to discuss, in particular, the likely architectural impact of the scheme, and at our request further illustrative material is now being prepared. I will let you know when this is available for inspection. On the question of advertisement, the proposals have been advertised by the Council on the site and in the local press as though they were a planning application falling within the provisions of Section 28 (1) of the 1971 Act (publicity for applications affecting conservation areas) and have been advertised by the applicants in accord with Section 26 of the 1971 Act (building over 20m in height). This is the procedure required by the Circular (para. 8). Local amenity societies, the Church and those living immediately adjacent, have been informed in the normal way. Para. 4 of the Circular to which you refer does not appear applicable in this case. Circular 80/71 requires the Council to consult the GLC in circumstances where the proposals, if they were to constitute a normal planning application, would be the subject of a statutory consultation. These circumstances are those set out in the Town and Country Planning (Local Planning Authorities in Greater London) Regulations 1965 (as amended). The proposed development does not appear to fall within any of the prescribed categories except Class 4 (i) (d)—the erection of a building providing more than 3000 sq. ft. of office floor space. I am arranging consultation with County Hall in this respect. I note that you have written to the Secretary of State for the Environment. In the event of the Council raising objections which cannot be resolved, the proposals will be drawn to the attention of the Department of the Environment in accord with para. 13 of the Circular. I have forwarded a copy of your letter to the Town Clerk who will reply to your request for a 'consultative meeting'."

**12th May from the Borough:** "I refer to your letter commenting upon the proposed hospital development in Sydney Street. The proposals have now been most carefully considered and discussed by the Council's Town Planning Committee. In the light of local comment as expressed in letters written by yourself and other local residents and societies, the Committee have noted that the scheme has yet to be finalised both in its design and external treatment, and that the hospital authorities have expressed willingness to consider reasonable modification in a number of respects. This being so, the Council have raised no objection to the principle of hospital development on this site, subject to a number of provisos. The Council have asked also that several matters must be resolved to the satisfaction of both sides; failure so to do would mean that the proposals need to be considered by the Department of the Environment in Accord with Section 13 of the Circular.

The provisos and matters to be resolved are as follows:

1) The Council will expect the existing Brompton Hospital building on the north side of Fulham Road to be retained in the interests of the amenity of the Smiths Charity Estate Conservation Area, the building being put to residential use for hospital staff; proposals for this need to be agreed with the Council in due course. (This comment does not, of course apply to the temporary buildings on the Foulis Terrace frontage which, it is assumed, will be demolished.)

2) The Council understand that the existing south block of Brompton Hospital will be redeveloped primarily for residential purposes; proposals for this need to be agreed with the Council in due course.

3) The houses in the Neville Terrace/Foulis Terrace area, now being used for hospital purposes, should revert to residential use as self-contained housing accommodation for persons other than hospital staff.

4) The hospital authorities and their architects must examine further the height of the building so as to reduce the overall height of the main block. This may be achieved by omission of the residential accommodation now proposed on the top floor of the building, by reduction in the amount of roof plant and waterstorage accommodation and/or by lowering the floor levels of the building.

5) The hospital authorities and their architects must examine further the use of the Convent garden and the location of the boiler house and servicing facilities. In the interests of local amenity, the boiler should be gas-fired (so enabling the omission of the oil storage tank and the omission of the separate tall chimney as now proposed) and the Council would like to see the

Convent garden used to provide amenity space for the public and for hospital staff.

6) The existing buildings of the Chelsea Hospital for Women have a certain architectural attraction and should, if possible, be rehabilitated for Phase 2 of the scheme.

7) The car parking provision must be in Phase 1 of the scheme and shall provide for staff and visitors.

8) The public shall have pedestrian access at all times along the present line of Cale Street in a manner to be agreed with the Council.

9) The Council ask to have the opportunity for further comment upon details of the external treatment and design and finish, on the proposals for landscaping and tree planting and on details of the access arrangements, and such revisions as may be proposed in accord with Items 4, 7 above. Samples of facing materials should be agreed with the Council."

**21st May to the Borough:** "Following on the meeting at Brompton Hospital, at which the Borough, our Society and others were present, and the ensuing Council meeting of the Chelsea Society, I had hoped to have an informal talk to you before answering officially your letter to me on proposed modifications. I hear, however, that you will not be free for some days, and I am just going to Italy, so I am writing this preliminary letter instead.

It is obvious that the Borough thinks the proposed building is too big for the site, and your suggestion that one floor should be removed is of course a step in the right direction. My Council still feels, however, that this would only be a minor palliative, and that the height of the building would still shade and oppress the whole adjacent area. A suggestion was put forward that the empty Kingsmead site on the west side of Sydney Street could be made available, so that the Centre could be more spread out and kept lower. My Council would like to recommend this to the Society as the policy it would advocate, but I do not like to advocate it without first finding out from you whether there is any insuperable obstacle, given goodwill and co-operation on all sides?

I shall be very grateful if you can give me your views so that on my return in about ten days time, I can send you the Society's considered reply to your letter."

**31st July to the Borough:** "As it is now five weeks since we received your letter of 24th June (*stating that ours of 21st May had been passed to the Town Clerk*) I am wondering whether the Town Clerk is yet able to give an indication as to whether the Kingsmead site might be included so that the Centre could be spread out and kept lower as suggested in our letter."

### 7. *Katyn Memorial*

The proposal to place a memorial to the Katyn massacre in St. Luke's Gardens was not, any more than that of the Cardio-thoracic Hospital, a private venture, but was urged on by political, patriotic and religious stimuli. There was probably hardly a soul in our Society who wished to prevent the Poles having a Katyn Memorial somewhere. The opinion of the Society was simply, as with the Hospital, "not that there, please". This verdict was most decisively expressed by the judgement of the Consistory Court, delivered on 15th January by Judge Newsom in the Church of St. Luke's, Chelsea. We have thought that our members would be interested to read the verbatim judgement, and have accordingly printed it in this Report as an Appendix. It contains all that we would wish to say. We regret that economy has forced us to print it in such miniscule characters.

We sincerely hope that the Poles will succeed in finding some suitable place for their monument.

### 8. *The Pheasantry and adjoining sites*

During the months that these developments have been in abeyance due to the economic situation we have repeatedly pressed the Borough to exercise their duty in enforcing temporary repairs and protective measures to preserve the Pheasantry from further deterioration and vandalism. Others have joined their protesting voices to ours and temporary repairs have been undertaken.

As to the actual developments on either side we have suggested, also repeatedly, that the two sites together with the Pheasantry should be treated as a whole in an architecturally imaginative fashion such as would do something to redeem the tawdry appearance of the King's Road. To date it seems, however, that the architects and developers prefer to pursue the indifferent and disparate plans for which they acquired planning permission at an earlier date.

### 9. *Houseboats*

On 16th October I wrote to the Borough Planning Control Officer. I have received your letter of 23rd September but do not find it at all reassuring.

I note that the Town Planning Committee has agreed that the number of boats is to be limited to 59, and that the gap is now approximately 60 metres. You do not say that the Committee has agreed to keep the gap at that, as a minimum, but I may perhaps assume this.

What seems to me to be totally lacking, however, is any confirmation that the Borough really has planning powers which it



will use and which will stand up to a legal testing if planning permission is applied for to add another boat, or if one is introduced without planning permission. "Agreement" at a Town Planning Committee Meeting can be reversed at any time at another meeting and the performance, hitherto, of the Borough suggests that it will always give way to the developer, who is far more determined to spoil Whistler's Reach for personal gain than the Borough is to preserve it as a public amenity.

Can the Borough Council give my Society an assurance that it will in future refuse planning permission for any more boats, and undertake appropriate legal measures in case of an Appeal or of the unauthorised introduction of more boats; also that they will refuse to allow the foreshore gap between moorings to be disfigured by permanent or obtrusive structures for drainage or other purposes? It seems to us that the nature of the various legal and property interests of the houseboat owners and lessors requires thorough investigation and that the Borough should undertake it.

In the meantime the developer has so far got away with the infiltration of nine boats and the consequent reduction in the gap between the two settlements of houseboats.

That is what I wrote to Mr. Sanders, but let me correct the last paragraph. There were 49 boats in 1967, there are now 59. Ten boats have infiltrated, without planning permission, in recent years. While the Chelsea Society was busy saving Whistler's Reach from the threatened slip-roads connected with the proposed West Cross Route, the Yacht and Boat Company was enlarging its empire. Surely rather a precarious empire, for the licence it holds from the Port of London Authority which so far has been renewed annually can be terminated by a week's notice. (See Report by the Planning Control Officer of 25th March, 1975.) It would like to make a pontoon the length of Whistler's Reach, with floating caravans moored shoulder to shoulder the whole way, so that, at high tide, walking along Cheyne Walk, you would not be able to see the river at all.

I will end with a quotation taken from Bertrand Russell's biography that appeared in the *Sunday Times* of the day before yesterday. He was at the time living in Chelsea and his private life was passing through a most unhappy phase.

"The Thames," says the biographer, "Whistler's Chelsea Thames, of dark currents hurrying to the sea, was a consolation to him and to his journal Russell confided 'The river is becoming to me a passionate absorbing love. I could drown myself to be one with it. . . . The river shines like burnished bronze under the frosty sun . . . only the river and the gulls are my friends, they are not making money or acquiring power'."



That was in 1902. In 1975 it is still possible to have a glimpse of the Thames at Whistler's Reach between the houseboats.

10. *33 Tite Street (Studios by Godwin of about 1880)*

On 4th August we received from the Department of the Environment the result of the Appeal on the Borough's refusal to allow the subdivision of these magnificent studios used by Sargent, Whistler and Augustus John.

Between September 1972 and January 1974 no fewer than five planning applications were made and on each occasion we wrote exhorting the Borough not to allow any tampering with the interior of this house and these great studios, of such value both architecturally and for their associations and as part of the pride of Chelsea. We are glad to report that the Appeal was dismissed and planning permission refused by the Secretary of State.

11. *Meek Street Area—Public Inquiry*

The first two days of this Inquiry, the 19th and 20th August, at the Kensington Town Hall, were occupied by the presentation of the Borough's case by Mr. R. Sears, Q.C., the Borough Planning Control Officer, Mr. Sanders, Mr. Moss, Public Health, and Mr. Martin, Borough Architect; the hearing of objections from Mrs. Betty Woolf on behalf of the Ashburnham Community Centre and Mr. Bissett of Saviles on behalf of Bonhams; and cross-examinations by both sides. Mrs. Woolf, supported by Miss Sara Neill and Councillors Fox and Keys, expressed fears that outline planning permission might result in wholesale demolition and loss of homes if changing circumstances or legislation such as the Community Land Bill were to nullify intentions to the contrary given in good faith by the Borough. She requested the Inspector to require detailed application with regard to individual houses and the siting of areas of open space, and asked also that the whole area including the West Cross Route area outside the present application be developed by a housing association and designated a housing action area. Mr. Bissett sought the exclusion of that part of Bonham's property which fell within the application boundary by reason of that boundary following the line of the West Cross Route safeguarded area. During the cross-examinations the Inspector, Mr. A. S. Barnes, asked Mr. Sanders whether, had the West Cross Route areas been released by the GLC somewhat earlier, he would have preferred to have included them in the application. Mr. Sanders agreed that this would probably have been so, but pointed out that on account of there being no change of notation for this area permission could be deemed to exist without an application. Later, questioned by Mr. Sears, Mr. Sanders expressed

the opinion that plans for a new road in the West Cross Route area could not be deemed to be so permitted. Invited by the Inspector to speak on behalf of the Chelsea Society, Mrs. Carvalho said:

“The Chelsea Society does not wish to oppose this application. We have expressed the view in letters to the Borough, copies of which you, Sir, have before you, that we welcome the proposals for rehabilitation of existing homes and the provision of open space. We look forward to the restoration of the area and the removal of the blight which for too long has afflicted it. We heartily approve the expressed intention of the Borough to rehabilitate homes and not to demolish, and we trust that the fulfilment of the intention can be assured whatever the outcome of the Community Land Bill. We note that 4.6 acres of the required 6 acres of open space required by the Department of the Environment can be achieved without demolishing any extra homes which could otherwise be rehabilitated. In this connection might I suggest that the remaining 1.4 acres could possibly be found at the eastern end of the peripheral area, near the river and the nearest position to the World’s End development which part of the 6 acres is in any case intended to serve. In this way more houses would be saved, the housing overspill of 400 reduced and the opportunity created to restore a riverside area as an amenity. This brings me to the fears which others have expressed and which we share so long as the peripheral areas are undecided, for this of course is the area of the West Cross Route and in particular that part of it, the junction and the slip road which threatened the Chelsea Embankment and riverside over which the Chelsea Society fought and won a long and costly battle. So long as the boundary of this application follows the West Cross Route fears will remain that traffic measures may be intended to facilitate the passage of heavy traffic through the area and along the riverside, the amenity value of which was recognised by the Secretary of State in his determination of the West Cross Route Inquiry. For this reason the Chelsea Society would be in favour of the West Cross Route area being considered together with the present application.”

## 12. *Borough Plan*

As part of the process of preparing a new Borough Plan (scheduled to be completed by the end of 1976) the Royal Borough has prepared a programme of public participation, by questionnaire, public meetings, and the circulation of discussion papers.

The first series of papers (“context” papers) outlines trends and major issues affecting the Borough on the following subjects: Movement, Leisure and Recreation, Conservation and Development, Hotels and Tourism, Employment.

The Chelsea Society have prepared observations on these stimulating and wide-ranging papers to send to the Borough.

### 13. *Battersea Park*

Members perhaps have noticed advertisements from the GLC Chief Officer Parks Department, 233 High Holborn, W.C.1, for suggestions from the public as to what they would like. Could this mean that the alarming proposals for an American-type Theme Park have been dropped? We have, of course, taken this opportunity of stating our views and on 29th September wrote the following letter to the GLC:

“Thank you for your letter, postmark 25th September, addressed to our representative Mr. A. R. H. Macdonald, 92 Beaufort Street. Although you have allowed us no time for consultation, I can say in view of earlier discussions and previous correspondence that the Council of this Society would be broadly in agreement with his reply.

No doubt you will be able to extend the deadline of 1st October by a short period.

It is with great relief that we welcome the GLC's decision to consult the public. Two outstanding paramount points we would make:

1) The whole Fun Fair area should be made tidy and safe, all unsightly fences and other relics removed, and the area restored to the public as open space.

2) Negotiations with would-be developers should be brought to a close and no further consideration given to renewals of leases whether for 60 years or less.

These two items should be achieved with no further delay and regardless of future plans. At any later date consideration could be given to possible use of part of the space for additional recreational purposes, bandstands, etc., and for the provision for temporary events such as circuses or other shows consistent with traditional use of metropolitan parks. (Note the recent very popular and successful performances by the Royal Ballet in a large tent.)

Finally we would recommend to you the excellent Report of the Borough of Wandsworth's Director of Planning.”

All the meetings held by various bodies on this subject have been meticulously reported to us by one of our members, Mr. A. R. H. Macdonald, and I quote one paragraph which seems to me to sum up our view:

“The first thing that practically every user or neighbour of the Park wants now is to get rid of Forte's altogether. Forte's have

failed with the miniature railway, failed with the Funfair, and having killed both they have failed to get Planning Permission for their alternative. Why on earth should they be allowed to squat on 10 acres of land in a public park, to stop its being used for any purpose at all?"

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The President stated that the Treasurer would answer any questions members might have on the accounts. Mr. Eric Dugdale asked if the interest on the Post Office was before or after tax. Mrs. Gelley replied that it was gross and Mr. Dugdale suggested that it should be possible to get a larger return on this money. There being no further questions, the President moved the adoption of the accounts, Noel Blakiston seconded, and the accounts were unanimously adopted.

The President then said that there were three further items he had to mention before passing on to Discussion, the final item on the agenda. One, Members would see on their AGM notices that we now had an honorary Membership Secretary, Miss Barbara Towle, whom he welcomed and thanked for undertaking the work, and also that the Society had a new official address. Two, Miss Esther Darlington had donated a quantity of postcard size pictures of old Chelsea and these were on sale at the back of the hall with the Xmas cards.

Three, Mrs Lesley Lewis had represented the Society at a Europa Nostra Conference in Amsterdam last week and would tell the members about it.

# *European Architectural Heritage Year Conference*

I was representing the Chelsea Society at the European Architectural Heritage Year Conference in Amsterdam last week, 21st-25th October, and you may like a brief communication about it.

The Chelsea Society is an Associate Member of Europa Nostra, an international organisation formed under the Council of Europe to watch over the conservation of our common architectural heritage. These permanent bodies, and many others, combined to launch the European Architectural Heritage Year Campaign, which has lasted three years and is now officially closed, although its constituent members will continue to pursue its objectives with greatly increased momentum even when the year 1975 has ended.

The President of Europa Nostra is Lord Duncan-Sandys, founder of the Civic Trust in this country, and he presided at all the main meetings. The British delegation of 90 in a Conference of about 1000 from 29 countries was quite an impressive proportion, and much of the organisation fell upon the indefatigable Secretary of Europa Nostra, Miss Freda Smith, who is a resident of Chelsea and a valued member of this Society. So Britain in general and Chelsea in particular were well in the picture!

The topics ranged over the legislative, technical, financial and social implications of conservation, but for a Society such as ours a simple and encouraging message came through quite plainly. The voluntary work of amenity societies and the self-help and enlightened self-interest of private people in preserving the character of their own well-loved environment are indispensable if the historic fabric of our town is not to disappear in a jungle of concrete. Britain is well in the lead in its official and voluntary arrangements for conservation but it is for the ordinary citizen to see that the great ideals of European Architectural Heritage Year are applied in *his* town, *his* street.

I was proud to represent the Society, however silently and anonymously, and I hope the message I bring you will cheer our members and the Residents' Associations which we so greatly welcome. We are part of a movement which has attained much prestige and practical know-how in the last three years, and is taken seriously at the highest national level. Prince Claus of the Netherlands opened the proceedings with one of the best speeches we heard, the Duke of Edinburgh lifted our hearts on the last day with a characteristically fresh and original contribution, and Queen Juliana honoured the final session with her presence. Amsterdam,

itself so outstanding an example of sensitive conservation did indeed do us proud.

The President then invited members to open the Discussion, asking them to state their names and to be reasonably brief.

Miss Nesta Macdonald rose to say that an answer to the problem of burglar alarms had been published in the Borough News to the effect that if these were ringing continuously for over half an hour the owners were subject to a fine of £20.

Councillor Peter Piper said that this had been published at his request following a letter to the *Times* about the nuisance. The Borough Solicitor could prosecute but only after several offences. It was therefore necessary that people who suffered in this way should keep notes of the dates and times at which the ringing occurred and report them in a precise manner to the Borough Solicitor.

Mr. William Bennett suggested that an effective remedy was to apply for an injunction at the County Court which could result in a fine and imprisonment.

Mr. Summerskill said he wished to refer to the Katyn Memorial. Like everyone else he was disarmed by Noel Blakiston's charm and therefore felt a certain diffidence in doing so. But to him it was a matter of personal grief and sorrow. He was not a member of the Church of England. Moscow would be rejoicing; Lambeth Palace was relieved; he was disappointed. He saw it as a typical English solution.

Noel Blakiston replied that the proposal to place the Katyn Memorial in St. Luke's Garden had presented the Society with the type of inner conflict to which he had referred in another context. He had not wished to refer to this painful matter again and he did not see how as an amenity Society we could have followed any other course.

Mrs. Bowie-Menzler asked about a report by the BBC that some cottages were to be demolished in order that the playground of St. Michael's school in Pimlico could be extended. Mrs. Lewis said we had been interested in these cottages over a period of years because they were just on the border of Chelsea. However, they were in Westminster and we would approach the Westminster Society in case anything could be done about them.

Mr. Richard Hunting asked whether the time limit for planning permission for the Pheasantry had not already been exceeded. Mr. Piper said that applications to revise the plans were before the planning committee.

# *Ten Years*

by Noel Blakiston

For nearly a decade I have been Chairman of the Chelsea Society. The following pages give an account of some of the more important matters with which the Society has concerned itself during this time under the headings "Traffic", "Consultation" and "Development".

## TRAFFIC

Unquestionably the most momentous issue with which the Chelsea Society concerned itself during the period was that of Chelsea's traffic. In the middle sixties we had already heard of the Motorway Box, a quadrilateral of purpose-built roadway embracing central London which would take all through traffic, that had no business in London, off the London streets and remove it at top speed towards its destination. Chelsea was to be within the Box. The West Cross Route, the north-south road on the western side of the Box, was to be aligned roughly along the western boundary of Chelsea. When it reached the river at Chelsea Creek, it was to be taken over on a new bridge and would soon meet the east-west South Cross Route. At first sight the plan looked splendid for Chelsea. This new Inner Ring Way would surely relieve our suffering Embankment from the greater part of the commercial and dock-bound traffic that pounded along it day and night. Consultation, however, between this Society and Mr. Robert Vigers, Chairman of the Traffic Committee of the GLC revealed a far from pleasant prospect for us.

The Box could not be built in a single operation. The various stages of construction were to be phased. One of the halting places was to be a great interchange in the Lots Road area where the West Cross Route would reach the river. It became apparent that at least ten years might elapse between the arrival of the West Cross Route at Lots Road and the building of the new bridge. During this interim period—which might well become perpetuity if the local opposition in Battersea to the making of the South side of the Box was as vigorous as it was reported to be—slip roads built across Whistler's Reach were to carry an ever increasing load of traffic on to Cheyne Walk. (Our Borough had given its consent to such roads!) The imminent danger we saw was that the Chelsea Embankment, certainly for several destructive years, and perhaps for ever, would become the south side of the Box.

To apprise Chelsea of what was in store for it, we, in collaboration with the West London Architectural Society, convened a Public Meeting in Chelsea Old Town Hall on 7th October, 1969.

The Hall was crowded and gave overwhelming support to the following resolution:

“This meeting, fearing that the Chelsea Embankment may become the south side of the Box Road, calls upon the GLC:

- (1) To build the Box Road as originally planned;
- (2) Not to build a slip-road to Cheyne Walk, before the new bridge has been built;
- (3) To declare its plans for the Embankment Road between Battersea Bridge and the Houses of Parliament, and, if it has no plans, to say so.”

The GLC divulged its latest plans at an exhibition opened in the Chelsea Public Library in January 1970. These included projects for widening Battersea Bridge and for a slip-road down from the West Cross Route onto Chelsea Embankment which would reach the head of Battersea Bridge across a filled-in Whistler's Reach. These were the schemes that we meant to fight, for all we were worth.

The moment of decision was approaching. Probably during 1971 the building of the West Cross Route would either be sanctioned or not be sanctioned. It would be considered at the Greater London Development Plan Inquiry as part of the whole problem of London's Ringways, and it was also, we learned, going to be considered by a special Local Inquiry concerned only with itself. We had given much thought to our representation at the GLDP Inquiry. Clearly we must employ Counsel, if our voice was to make itself heard effectively. A figure of 2,500 guineas was given us for our legal expenses. The Chairman was able to report at the AGM of 1970 that this sum, and a good deal to spare, had already been raised.

It was a great comfort to us when the Borough, in its representations to the Inquiry, pressed that the Thames bridge should be built concurrently with the western side of Ringway 1.

During 1971 our lawyers, Linklaters and Paines, impressed upon us that our case at the West Cross Route Inquiry would be much stronger if we were to offer some positive proposals, of technical validity, that would present a feasible alternative to the GLC's scheme for the first phase of the West Cross Route, and avoid the disaster we feared at Cheyne Walk. Accordingly we commissioned Messrs. Stefan Tietz & Partners, Associated Planning Consultants, to try to devise such an alternative. The scheme they produced was for the building, simultaneously with the West Cross Route, of a bridge over to Battersea along the line of the bridge ultimately intended by the GLC. Such a bridge would be built to half the final width to connect with a West Cross Route that in its first phase would also only be half-width, both, that is to say,



consisting of two lanes of traffic either way. This bridge, which could be conveniently absorbed in the later bridge, would, on reaching the south side of the river, be connected with an elevated road alongside the railway embankment that would descend to ground level at Battersea Park Road. The scheme would be no worse for Battersea than what was already planned, for by the GLC's own plans, traffic coming down the West Cross Route and wishing to cross the river and then go south-eastwards or eastwards, would be directed over a widened Battersea Bridge, and presumably along a widened Battersea Bridge Road, into the centre of Battersea. By our plan the same traffic would be conveyed over the river to the same place by a bridge, without doing violence to Whistler's Reach or Battersea Bridge or Battersea Bridge Road. Chelsea would have benefited immeasurably. On 29th November, 1971 we held a public meeting at the Chenil Galleries where Messrs. Baden-Powell and Tietz carefully explained with diagrams the virtues of our plan for the road, and Mrs. Lewis described and illustrated with coloured slides the riverside that we hoped to preserve. The hall was packed, and approval of our case seemed to be unanimous. We had anticipated having to give evidence both at the GLDP Inquiry and the West Cross Route Inquiry, but our lawyers were able to arrange that we should only formally participate in the GLDP Inquiry and concentrate everything on the West Cross Route Inquiry which would result in a clear ministerial order. At length on 28th March, 1972 the latter Inquiry opened at Fulham Town Hall, before the Inspectors, Mr. K. C. Jeremiah and Mr. R. J. Soper. Mr. Iain Glidewell, Q.C., appeared for the GLC, Mr. George Dobry, Q.C., for the Chelsea Society. During the two months that followed there were not many hours while the Inquiry was in session, in which the Chelsea Society was not represented in the hall. The Royal Borough, whose case was heard a little before ours, voiced opinions entirely consistent with those of the Chelsea Society. At length, on 9th May, our turn came. The Society's witnesses occupied four days. Finally, more than a month later, the date having been postponed owing to the illness of one of the Inspectors, on 16th June our Counsel delivered his closing speech. It is difficult to see how it could have been better done. The concrete threatening Whistler's Reach was rolled right back.

At the beginning of 1973 we were waiting for the Reports of the GLDP Inquiry and of the West Cross Route Inquiry. The Report of the former, the Layfield Report, confidently recommended the building of Ringway 1. This Report was accepted by the Government. The Report of the West Cross Route Inquiry, which was also accepted by the Government, recommended that no West Cross Route should be built that terminated on the north bank of the river. Meanwhile a newly elected GLC declared that it would have nothing to do with Ringways. Such a declaration might at

first sight seem to have rendered all our efforts unnecessary. In May 1973 the following circular was sent to all our members:

“Most of you will no doubt have heard that the Report of the Inspectors of the West Cross Route Inquiry has been issued and that their recommendations to refuse Planning Permission have been accepted by the Secretary of State for the Environment. The main purposes of our objections at that Inquiry have in fact been achieved.

- (1) That no West Cross Route shall be built without a new bridge to take it over the river.
- (2) That the amenity values of the Embankment and Cheyne Walk shall be recognised as of such importance that no irreversible changes shall be made there in the interests, primarily, of traffic.

The (Conservative) Government and the (Socialist) GLC differ in their attitude to the Ringways. . . . In agreement with the Royal Borough, our Society, as you will know, had pinned its hope for Chelsea's relief from traffic upon Ringway 1. Whatever plans are now made for that relief, we can be sure that the ill-devised scheme without a bridge, which has been threatening disaster to our Embankment, has now been buried. This result is worth all the effort and the large sum of money that your generosity has enabled the Society to spend upon it.”

(The sum that eventually had to be found was £10,680. It was found. Bravo, Chelsea.)

From that time we waited for news of any plans the GLC might have for relieving our traffic. Two things happened. The GLC proposed that Albert Bridge, which had recently been closed to traffic while a temporary pier was being built for its support, should continue to be kept closed. Asked our opinion by the Borough on this proposal, we declared that the closure had great attractions for us, but there were many people who felt that in the present congested conditions, Albert Bridge should carry its share of traffic. We insisted that the question of Albert Bridge should not be considered in isolation. What we wanted from the GLC was some serious strategic plans for solving the road transport problems of inner London, such as the prohibition of through lorry traffic, the discouragement of commuters from bringing in their cars or the making of a new river crossing at Chelsea Basin. A Public Inquiry took place on 26th June, 1974, at which the Inspector's recommendation, to our satisfaction, was for keeping the bridge open to traffic for the time being.

The other thing that happened, in the summer of 1973, was that the GLC put forward a plan for the pedestrianisation of parts of King's Road between the Town Hall and Sloane Square. The

intentions of the proposal were not at all clear. What was to happen to the traffic that had been using the King's Road? Some optimistic proponents of the scheme actually seem to have supposed that, if diverted, it would dissolve into the air. To the great majority of the people in the area it seemed inevitable that the displaced traffic would be pressed into the side streets off the King's Road and ultimately into the already congested Fulham Road or, in the southerly direction, onto the riverside. Could our Society, which had been fighting so hard for some years to prevent our riverside from being obliterated by a deluge of traffic, back a scheme that would bring on just such a deluge? At a packed public meeting called by the Borough on 27th September in Chelsea Old Town Hall, and at the crowded Annual General Meeting of this Society on 30th October, overwhelming opposition was shown and the plan was not long after abandoned.

Meanwhile our Society, which agreed with the Borough that the only hope for a reduction of the traffic on the north-south roads along the western side of the Borough could come from some sort of a relief road on or near the line of the West Cross Route, pressed for the continued safeguarding of the land required for such a road. The policy of the GLC and the economic instability of the country, however, have made the likelihood remote of any such road being built for many years.

## CONSULTATION

Throughout the decade consultation with residents became increasingly regarded as a necessary step in the planning activities of the Borough. Already in 1965 our Society had been asked to put forward its views on what areas of intimate residential development should be treated with particular care and what additional buildings we would recommend to be added to the List of Buildings of Architectural or Historical Interest. These views would be of great value to the Borough in defining such areas in the Local Development Plan. The Society warmly welcomed this co-operation with the Town Planning authorities, and a group, under the chairmanship of Sir Anthony Wagner, was set up to study the matter. The results appear in a report of the group printed in our Annual Report for 1965. A diagram shows the most valued areas, which in fact more or less became those of the designated Conservation Areas that were brought into being under the Civic Amenities Act of 1967.

An extension of the Borough's policy of Consultation came in 1971 when we began to receive notification not merely of those planning applications in which it might be supposed that we would be particularly interested, but of all planning applications relating to Chelsea. A word of gratitude to the Borough with which we welcomed this service, however weighty the burden it put upon us,

appears in our Annual Report for 1972. "We are now receiving from the Borough notices of Planning Applications, on which our opinion is kindly invited, at the rate of about 250 a year, in other words almost exactly one every working day, requiring our attention." Those were the days when all seemed to have money for development, from the millionaires to those who wanted to add a new floor to a former working class cottage. And the pressure increased in 1973 (Report for 1973). We cannot say enough for the courtesy and helpfulness of the Borough officials in the Planning Department.

Meanwhile public participation was extended by the presence of non-official members, including representatives of our Society, on two of the Borough's committees:

(1) The Environment Advisory Committee, established in March 1972.

(2) The Town Planning (Development Plans) Sub-Committee.

Both of these are advisory and not executive but their recommendations, especially in the second one, are usually accepted. We may regret that financial stringency has reduced the Royal Borough's contribution towards Architectural Heritage Year to Town Trails. But we hope that these committees will continue, for they provide an opportunity for discussion and clarification.

The proliferation of Residents' Associations has been a conspicuous feature of these years. We welcome them, of course, and in our 1973 Report gave a list of those in Chelsea. By now, perhaps, the list could be doubled. The reservation must be made that these associations are often brought into being because of some local traffic problem or proposal. And such problems may be an occasion of conflict between two Residents' Associations. Our Society, therefore, seeks not to get involved in any local traffic issues (any that is to say that have less than strategic implications). When, however, we see a Residents' Association fighting to defend its light, its view, its space, its way of life, against some intrusive development, when in fact the case is clearly one of saving a bit of good Chelsea from erosion, we would, I hope, never fail to come to the help of the beleaguered.

## DEVELOPMENT

In an article on "Modern Architecture in Chelsea" by Sir James Richards, which appeared in our Annual Report for 1973, the writer regrets that he can only find one example worth studying as a new contribution to the architecture of our residential borough. That is the World's End housing project, one of the most ambitious developments the Borough has embarked on in all its history, which received its go-ahead from the Minister of Housing in 1965. The

architect was Eric Lyons, from whom Cadbury-Brown & Partners later took over the execution of the whole scheme. The agonising delays, due to financial and labour difficulties, which have impeded the completion of the building, now seem to have been overcome, and it is hoped that this laudable enterprise of the Borough Council will be recognised, both architecturally and socially, as a real matter of pride to Chelsea.

Apart from keeping one eye open on the frustrations at the World's End, the Chelsea Society has, in the building proposals put before it for comment, been faced almost entirely with the plans of property developers, concerned only with profit. The more that can be crammed onto a site, the greater the profit. Already, of course, before this decade, great blocks had been pressing down Sloane Avenue towards King's Road from the north, and had broken their way—Whitelands House, Swan Court—into the low Victorian streets south of King's Road.

Then in 1965 the Cadogan Estate produced a scheme for the development of the Tedworth Square-Flood Street area which involved the construction of two 300ft tower blocks. The Society warmly commended the sociological intentions of the plan which, it was hoped by their proponents, would not only encourage a mixed community but enable the poorer tenants, whose houses were due for re-building, to pass straight into the flats that awaited them in the tower blocks. The Chelsea Society however was most doubtful about the achievement of the former, or the welcome that would be given to the latter, purpose; and the aesthetic objections to the towers were very strong indeed. After a Public Inquiry the Minister of Housing and Local Government rejected the proposal in 1967.

At that time, however, the developer was generally getting his way. If he wished to demolish on his land, nothing less than a Grade II preservation order could prevent him. So Wates, having bought the Pier Hotel site in 1962, when the leases ran out in 1965, demolished the Pier Hotel and the neighbouring buildings.

In May 1972 a planning application was made to erect on the site a block of 129 flats with garage plus a public house, and two shops at ground level on the Cheyne Walk frontage. "This Society," we wrote to the Borough, "has spent much time and energy in recent weeks in publicly extolling at the West Cross Route Inquiry the beauty and unique quality of the houses along our Chelsea riverfront. It was a matter of great regret to us that we were unable to include in our proud catalogue the Pier Hotel with its worthy neighbours that so charmingly formed the western crescent to the southern entry into Oakley Street, for they were demolished but a few years ago." Since then plan after plan had been presented for

hotels or crypto-hotels or blocks of flats upon the site. And now there was this new plan.

In 1962 when the developer acquired the property, the Chelsea Society had at once voiced its fears. "It is clear that an acre of new building is about to be planned for this prominent site in an area of outstanding beauty. It will call for the highest architectural skill." In 1972 we exhorted the Borough in almost identical words. "The architectural treatment of such an important site in London should surely be put into the hands of one of the most sensitive and responsible architects in the land." At least, we urged, don't let them go too high. In 1962 we had said, "Unless the new building on the western side respects its twin quadrant in shape and height the Albert Bridge approach to Chelsea will appear architecturally unbalanced." Is that not just how it does now appear?

And other buildings there have been which we could wish had not got through, before the turn of the tide, such as 'The Gallery' with its vulgar lettering and coloured emblem daily affronting the Old Town Hall, and that frowning wall of concrete in Old Church Street opposite the Rectory. But in the last year or two things have changed, the property developer has been in retreat. Legislation, such as would have saved the Pier Hotel, has come to the rescue of modest Victorian buildings in Conservation Areas which, according to the Town and Country Amenities Act 1974, may now be regarded as being listed for their townscape or group value just as other buildings are listed for their individual merits. The Act speaks of the "growth of public opinion in favour of conserving the familiar and cherished local scene". With such a spirit in the air, the Church Commissioners called off a development proposed on King's Road between Glebe Place and Bramerton Street.

The economic decline of the country has no doubt been one of the causes of the decline in building development, as it may also bring about a reduction in traffic, and—who knows?—the restoration of local shops to the King's Road.

# *Chelsea 1975*

by Lesley Lewis

This is Architectural Heritage Year and the object of the following study is to take a quick look at Chelsea as it is today, to try and analyse its character and suggest features and themes which can be conserved without laying upon this still most lovable place the dead hand of mere preservation.

Chelsea has a brilliant history, starting architecturally with the great Tudor houses, even palaces, strung out along the riverside, and an even older parish church. The seventeenth century Royal Hospital set an example and a scale unequalled elsewhere in the district, the Tudor palaces were replaced in the eighteenth century by some of the best domestic architecture in London and then, in the early nineteenth century, good houses, modest ones, and some light industry spread Chelsea out northwards from the river and gave it most of the road network it has today. A road network, it may be said, which is largely of pedestrian size and character, with wayward curves and oddly aligned crossroads. The fringe of the grand Belgravia development touched it on the east and in the later nineteenth century Cubitt's white stucco was rivalled by the red brick 'Pont Street Dutch' of the Cadogan Estate, falling mainly within our boundaries. Mansion flats started to invade the scene, purpose built studios sprang up to proliferate in the twentieth century, and Chelsea developed the artistic and literary associations which to some extent it still retains. Modest terraces of working class origin have been transformed into or replaced by some of the most desirable small residential properties in London, often visually much improved by the loving care their owners lavish upon them. This has, however, resulted not very satisfactorily in the lower income groups living mainly in the fairly central Sutton, Lewis, Guinness and Peabody dwellings or in the humble late nineteenth century terraces at the western end of Chelsea. The Borough Council's development of tower blocks near the World's End is providing a type of housing which is different in a way we can see, and may be socially different in ways which we cannot. We can only salute a bold and impressive scheme and wish it well. This study is not, however, about history or sociology but about the actual buildings which reflect it, and which can continue to do so if understood and cherished, and if we can resist demolitions and alterations which destroy local character without any compensating advantages.

## THE ROYAL HOSPITAL

Considering its illustrious past, Chelsea has comparatively few buildings of outstanding merit in their own right. The Royal





KENSINGTON

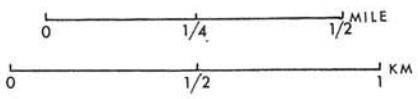
WESTMINSTER

BATTERSEA

FULHAM

# CHELSEA

SKETCH MAP SHOWING  
PRINCIPAL STREETS  
MENTIONED IN THE TEXT







*King's Road from Royal Avenue*



*Cadogan Square to Pont Street*



*Cadogan Place*



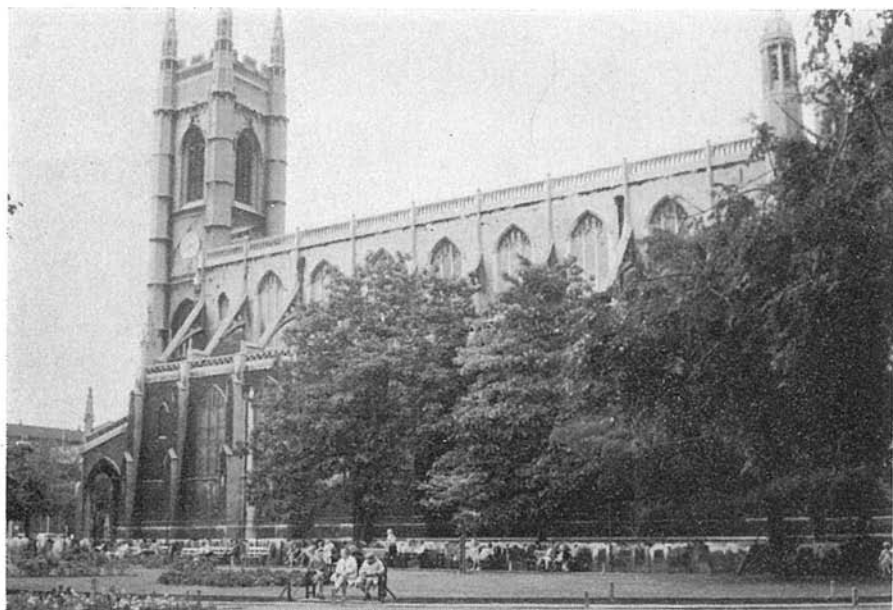
*Skinner Place*



*Pont Street Mews*



*Smith Terrace*



*St. Luke's Church*



*Glebe Place Studios*



*Chelsea Green*



*Mulberry Walk*

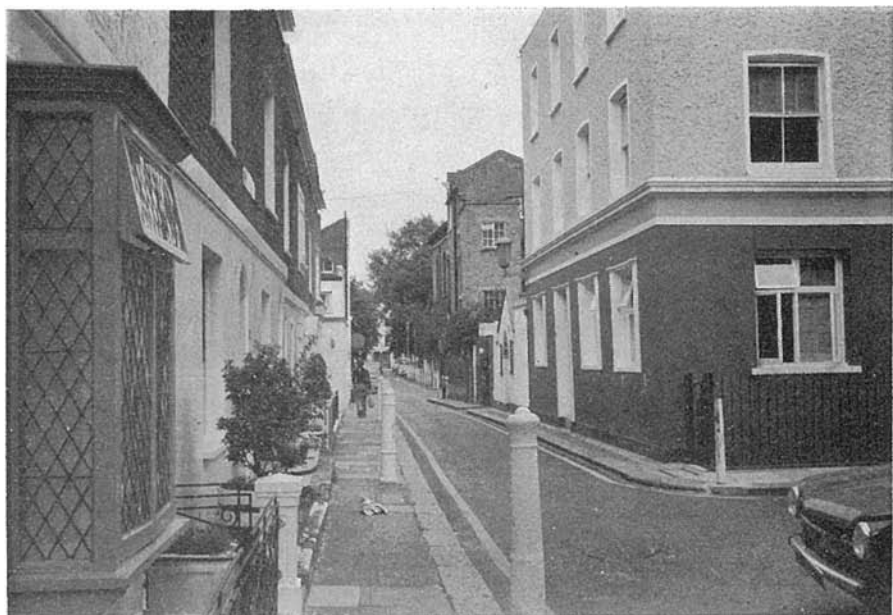


*Elm Park Lane*

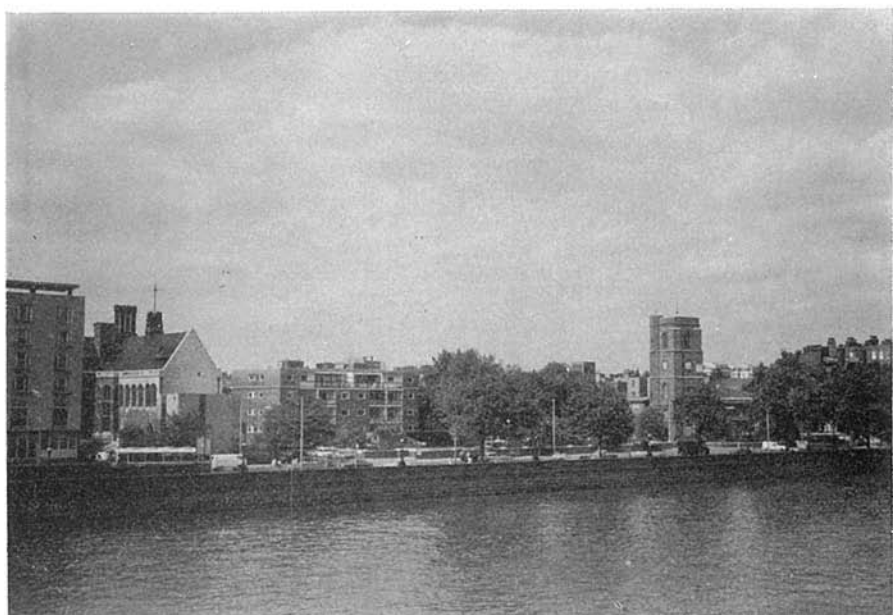


*Chelsea Park Gardens*





*Upper Cheyne Row*



*Crosby Hall and Chelsea Old Church*



*64 Old Church Street*

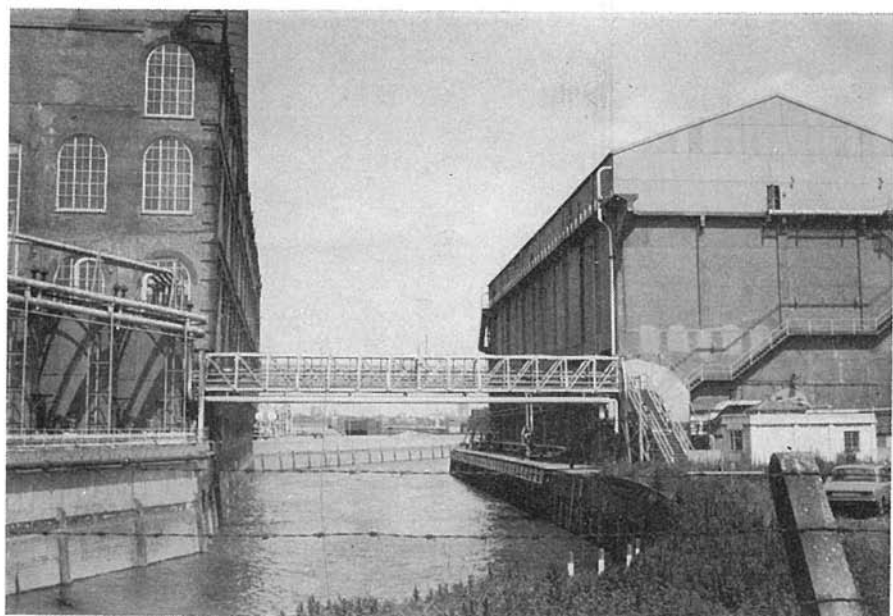


*Shalcomb Street*

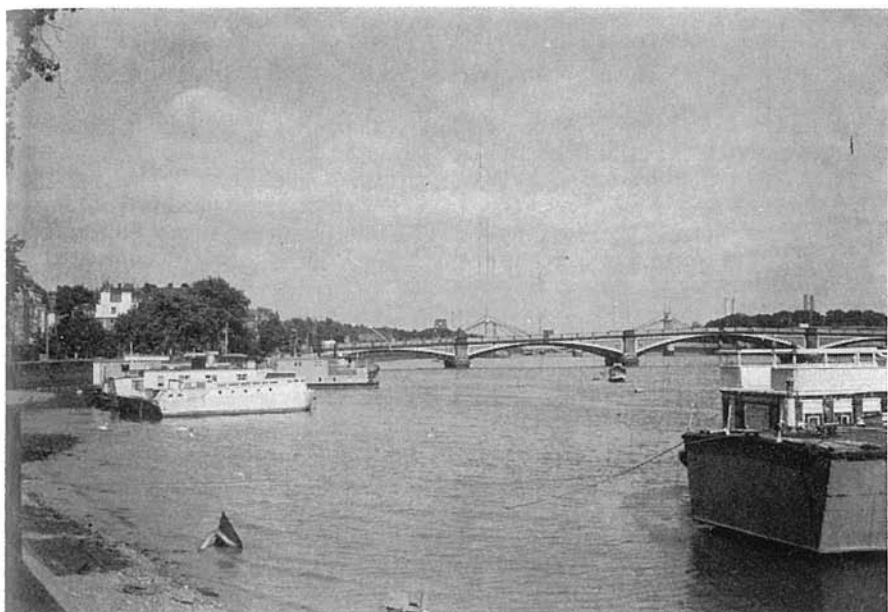




*Burnaby Street and World's End Tower Block*



*Chelsea Basin Warehouses*



*Battersea and Albert Bridges, and Houseboats*



*Balloon Tavern, Lots Road*

Hospital is *hors concours*, of national, indeed international standard, set in beautiful grounds stretching from the King's Road to the river. Its precincts have been extended by dignified military buildings of a later date and the green space of Burton's Court adjoins the one in front of the Duke of York's Headquarters. These give a distinguished beginning, quickly forgotten, to the motley styles and activities of the King's Road, but Cheltenham Terrace, Walpole Street, Royal Avenue and Smith Street, leading into St. Leonard's Terrace, sustain the dignity of the Royal Hospital precinct behind the unfortunate King's Road frontages.

## SLOANE SQUARE

After such quality, Sloane Square itself is architecturally an anti-climax. On the north a large block of flats, a bank, and a much mutilated, formerly very pleasant old-fashioned hotel, flank the entrance to Sloane Street. On the south, Sloane Gardens and Lower Sloane Street are a fringe extension of 'Pont Street Dutch', in a crude red brick and terracotta which rather charmingly harbours griffons and other elaborate ornamental features. On the east, the Royal Court Theatre and late nineteenth century King's Arms public house have convivial period quality, and on the west is Peter Jones' excellent modern department store incorporating, at the rear, one of Chelsea's most distinguished individual houses, A. H. Mackmurdo's, 25 Cadogan Gardens of 1899. The eastern boundary of Chelsea follows a complicated course, influenced by that of the now subterranean Westbourne brook, and runs from the river along the middle of Chelsea Bridge Road, turns right into the Pimlico Road, takes in the northern or western halves of Holbein Place, Whittaker Street, Bourne Street and Cliveden Place, crosses diagonally from Eaton Terrace to West Eaton Place, goes along the west side of Chesham Street and skirts the east side of Lowndes Square to Knightsbridge. Here the boundary is no longer with Westminster but with Kensington. There is a fringe here of the early nineteenth century Belgravia development and Skinner Place and Chester Cottages, off Bourne Street, tiny cottages perched on the brink of the underground railway cutting, are interesting survivals of the humble dwellings of some of those who served in myriad capacities the grand families of Cubitt's stately houses. They are in telling contrast, too, to the mansion flats around Sloane Square, and should be preserved from the fate of the recently demolished cottage terrace in Whittaker Street.

## SLOANE STREET

Much altered and in many places rebuilt, this is still a street with a style all its own. At the southern end is J. D. Sedding's splendid Holy Trinity Church of 1890, with some good houses and flats near it, of approximately similar date. In the middle, on the

east side, are the long gardens of Cadogan Place, shaded by mature trees. A stately white stucco terrace lies behind them, and a few brick late eighteenth century houses, survivors from an earlier development, survive to the south. At the north end modernity takes over with the egregious Carlton Tower Hotel. The opposite, western, side of Sloane Street is still mainly residential, with some distinguished buildings of fairly recent date, but towards the junction with Knightsbridge, on both sides, high quality shops take over and there is a glimpse of Hyde Park past the romantic red brick, white stone and stucco of the Hyde Park Hotel. Harvey Nichols' block, still just in Chelsea, is in similar taste and a reminder of shopping in towering veils, hats and hairdos, with huge muffs, and attendant coachmen, chauffeurs and much-bemedalled doormen.

### CADOGAN PLACE AND ITS HINTERLAND

A grand terrace such as this of course had its accompanying mews, little shops and the modest dwellings of those whom the rich employed. Most of this was transformed long ago into small houses or *pieds-à-terre* for the passing rich, but Cadogan Lane and Harriet Walk, with hardly an old building of any distinction in them yet preserve the contrast of scale which is reminiscent of former times, and give one the feeling of stepping aside from the main stream. At the southern end, however, the scale rises again, with the great mansion flats of Wilbraham Place, and Wilbraham House, which must surely be one of the last great separate private houses to be built in inner London. Then the white stucco or brown brick of the fringe of Belgravia dies out here into the red brick of the Cadogan Estate.

### CADOGAN SQUARE AND ITS SURROUNDINGS

West of Sloane Street, opposite Cadogan Place though screened from it by the street frontage, is Cadogan Square, the centrepiece of the great estate laid out partly on the area of the eighteenth century Hans Estate, surviving now only in names and in a few houses. The Square itself, Pont Street, the streets leading out of Sloane Street, Hans Place and Lennox Gardens, look superficially rather alike. Almost all the houses are in red brick, of a harsh colour but excellent quality, with terra cotta ornament and stone or stucco dressings. A great feature is the emphasis on the skyline, with elaborate gables and ornamentation. When studied in detail, the houses will be found to vary considerably within their terms of reference, many being built by leading architects, such as Norman Shaw, to the instructions of discriminating patrons with ideas of their own. This area, in the whole of Chelsea, is the most homogeneous in character and the one in which recent replacements and infillings appear at their most disastrous. Hans Place has suffered greatly, whereas Lennox Gardens has survived almost intact, and

it seems that these beautifully built houses should be capable of almost indefinite adaptation. The tide of redevelopment has been halted at the stone of St. Columba's Church, near which the earlier stucco again reasserts itself in Walton Place. Of course the late nineteenth century Cadogan development had its mews and ancillary dwellings, but the long Pavilion Road, parallel with Sloane Street, has lost its old character without acquiring such new charm as have Lennox Garden Mews and parts of Clabon Mews. Only the delightful Pont Street Mews, a crescent round St. Saviour's Church, Walton Street, has retained its old loft openings, hoists and coach doors.

### WALTON STREET TO CADOGAN STREET

From Sloane Street, Chelsea's boundary is along the middle of Basil Street, Walton Street and the Fulham Road, adjoining Kensington now and no longer Westminster. The 'Pont Street Dutch' style runs out abruptly at Lennox Gardens, which form the eastern boundary of a rough rectangle to Rawlings Street on the west, Walton Street on the north, Cadogan Street on the south, and Milner Street bisecting it from east to west. We enter here upon an area of distinctive character, with two- or three-storey early nineteenth century brick and stucco houses in a close pattern of small streets, First Street, Hasker Street, Halsey Street and others, with the church of St. Simon Zelotes by James Peacock, of the slightly later date of 1858. The corner shop and the corner public house, such as the Moore Arms, seem to fall naturally into the local scene and the local needs. The south side of Cadogan Street has been rebuilt and so, for the most part, has the area west of Rawlings Street and First Street, but this is nevertheless a remarkably unspoilt district, in which something like the modern italianate rear loggias of Rosemoor Street fall into place with an agreeable originality.

### SLOANE AVENUE AND DRAYCOTT AVENUE

These are north-south traffic arteries and Sloane Avenue, particularly, is dominated by high blocks of modern flats, varied by some pleasant individual houses of perhaps the 1920's. The uncharacteristic feature of this part of Chelsea is the huge scale of the flats and the relative absence of large trees such as can be seen in so many parts and which, in many cases, must be older than the present houses. West of Sloane Avenue there are the attractive and exotic Michelin House, built by a French architect in 1910, the towering blocks of Cranmer Court, the Lewis Trust and some large police buildings. Only a small early nineteenth century terrace in Marlborough Street is a reminder of the smaller scale of older days.

## ST. LUKE'S CHURCH AND SURROUNDINGS

This fine neo-Gothic church by Savage is almost exactly equidistant between the King's Road and the Fulham Road. Near it are the great series of modern Sutton Dwellings and the little triangle of shops at Chelsea Green, itself the last remnant of Chelsea Common. The pattern of little streets remains from earlier times but the houses vary from the early nineteenth century cottages of St. Luke's Street and a few old ones in Elystan Place and Godfrey Street, to the elegant twentieth century rebuildings of Jubilee Place and Astell Street. Bury Walk defies modern planning rules with houses on the west side carved out of the back gardens of Sydney Street, and here and in Pond Place some charming little buildings are hidden away. This random development is very attractive, and the small houses get the benefit of the established trees around their grander neighbours.

## THE KING'S ROAD FROM SLOANE SQUARE TO SYDNEY STREET

On the north side a terrace of early nineteenth century houses, not all in very good condition and with ground floors converted to shops, is the frontage of a charming enclave between Blacklands Terrace and Tryon Street, with its miniature houses and colourful public house, the Queen's Head. Here, in Coulson Street and Lincoln Street, are small brick and stucco houses beleaguered between the vulgarity of the King's Road and the oppressive red brick of Draycott Place. Bywater Street and Markham Square, mainly early nineteenth century developments off the King's Road, are characteristic residential precincts, and Markham Street forms a link with the St. Luke's area. The Pheasantry, a much altered but very charmingly embellished house, possibly of the eighteenth century, stands back behind a delightfully absurd nineteenth century triumphal arch with quadriga, caryatids and eagles, facing a rather unusual Art Nouveau terrace on the south side. The present state of the Pheasantry is a tragedy for Chelsea, old studios and houses around it having not yet been replaced by the development for which they were demolished. We can only note the situation with regret and hope that the Pheasantry will rise phoenix-like from the present mess.

On the south side of the King's Road there is little to admire. The huge Whitelands House, dominating the Duke of York's grounds, is a gross intrusion, and most regrettably shops have been allowed to extend round the corners and into Walpole Street, Royal Avenue and Smith Street. The dignified Wellington Square has suffered less, however, and leading west out of Smith Street the charming little Smith Terrace is entered by narrow openings and preserves at least the illusion of privacy.

## SOUTH OF THE KING'S ROAD TO THE RIVER

All is sweetness and light along St. Leonard's Terrace to the delightful Victorian pillar box opposite elegant Durham Place, but the quality tails off to Tedworth Square and Redesdale Street, picking up again round Christ Church. Southwards, the situation is redeemed by much excellent building of the late nineteenth and early twentieth centuries, such as in Ormonde Gate, Tite Street and Royal Hospital Road. Then there is humble little Paradise Walk and the noble eighteenth century houses of Swan Walk, overlooking the Physic Garden. This is presided over by the statue of Hans Sloane, who, if Sir Thomas More is the patron saint of Chelsea, might be regarded perhaps as a kind of secular successor to him. Off Dilke Street is Glover Mews which, with its coach doors and loft ventilators, resembles Pont Street Mews in looking as though it had not entirely forgotten that it was built for horses. The opening of the Chelsea Embankment in 1874 provided sites for an exciting row of houses by Norman Shaw and others, as big and grand as those of Cadogan Square, but more imaginative from response to the challenge of riverside views. Cheyne Walk, bypassed by the Embankment, began here with a row of fine eighteenth century houses, as good as anything of their kind in London, and the big gardens behind them infiltrate the area to the east of Oakley Street, itself a street of good nineteenth century houses with some modern infillings of some originality. The tree-shaded Margareta Terrace and its corner public house, the Phené Arms, is one of the surprising rear developments which are so much a feature of Chelsea.

## OAKLEY STREET TO BEAUFORT STREET, SOUTH OF THE KING'S ROAD

A distinguished group of early eighteenth century houses, including Argyll House, stands on the west corner of Oakley Street, and further on an early nineteenth century terrace forms a group with the similar Paultons Square, which opens out of the King's Road and is remarkably unspoilt. In Old Church Street there is the splendid Georgian Rectory with its spacious garden, but elsewhere there has been excessive and tasteless development, spoiling the street itself and encroaching on the very heart of the original village clustered round the Old Church. Nevertheless, some delightful streets survive in fair condition. There is Lawrence Street, associated with the Chelsea Pottery, Cheyne Row with Carlyle's house, Justice Walk, and Upper Cheyne Row's eighteenth century houses joining the later studio developments of Glebe Place. War damage to and around the Old Church, and the loss of the Pier Hotel and adjacent houses to developers, have wreaked havoc on the riverside, but some good old houses still survive on Cheyne Walk, the mediaeval Crosby Hall moved here from the City, and the new Roper's



Garden, made on the site of houses demolished by bombs, are welcome features.

#### FROM SYDNEY STREET TO BEAUFORT STREET NORTH OF THE KING'S ROAD

Sydney Street itself has good terraces of mainly early nineteenth century houses, and Carlyle Square is an unspoilt precinct of slightly later date. On the King's Road at the foot of Dovehouse Street an old burial ground is a reminder of a still older Chelsea. There are still some excellent old houses in Old Church Street but on the whole this has become an area of superior building of the late nineteenth and of our own century. Number 66 by Gropius and Maxwell Fry, and number 64 by Mendelsohn and Chermayeff, of 1936, are a testimony to the enterprising patronage which has distinguished so much of Chelsea. The grey and yellow brick of the late Victorian Elm Park Gardens may not be to everybody's taste, but they allow for an ample provision of green space and tall trees. There are many individual houses by good architects, commissioned by and lived in by well-known people, especially artists who required studios. Chelsea Square, Mulberry Walk and Mallord Street have good houses of many sizes, garden space, and trees. The Vale has fine studios, and Queen's Elm Square is a little garden suburb development of great charm. Although its architecture is varied, this is a very homogeneous area designed for gracious living of a kind quite different to that of the Cadogan and Belgravia estates, unsupported by the mews and ancillary streets which had been needed for enormous households and their attendant horses. The northward boundary, along the Fulham Road, is largely dominated by huge hospital buildings.

#### FROM BEAUFORT STREET TO THE END OF CHELSEA, SOUTH OF THE KING'S ROAD

The shape of Chelsea is roughly that of a long triangle laid with its base to the east, one side along the river, and the other along the Fulham Road. Battersea Bridge, at the end of Beaufort Street, is its last river crossing, and beyond it the Embankment ends at a curve of foreshore known as Whistler's Reach. This still has character but not the atmospheric quality of his day as it has fairly recently been colonised by houseboats. These were picturesque enough until they started to be replaced by boxlike dwellings of no navigable capabilities, and it will take resolution and vigilance to maintain the almost countrified appearance of the area where the old Cremorne Pleasure Gardens once began. The small houses at the western end of Cheyne Walk now abut on the World's End estate tower blocks, and most of the area dominated by the Lots Road Power Station is about to be redeveloped. The plans seem to allow for a good deal of rehabilitation, and this would be welcome, for the small, late Victorian terrace houses of Meek Street, Burnaby



Street and others, with ornamentation of somewhat doubtful provenance, have provided pleasant family homes and a sense of neighbourhood even under the shadow of the power station. Northwards from the river, the old Moravian burial ground, at the kink of the King's Road, and the picturesque late Victorian World's End public house stand out in what is mostly recent rebuilding.

#### FROM BEAUFORT STREET TO THE END OF CHELSEA, NORTH OF THE KING'S ROAD

Chelsea Park Gardens, in red brick, continues with rather smaller houses the tradition set by the Vale and Mulberry Walk area. Park Walk, with a few old houses in it, links it pleasantly with the early nineteenth century yellow brick and white stucco of Limerston Street, Lamont Road, Shalcomb Street and others, which form a large precinct, comparatively unaltered, of very characteristic Chelsea houses. The frontage on the King's Road, although somewhat rundown, has kept much more of its character than similar terraces at the Sloane Square end, and still forms a consistent residential southern boundary. One could wish that the somewhat similar streets to the west could be brought back into this pleasant area, but the traffic problems of Gunter Grove and Edith Grove still defy solution and disastrously reduce residential amenity. Chelsea, however, ends worthily enough in the pleasant grounds of the erstwhile College of St. Mark and St. John, with its fine buildings of dates from the eighteenth century onwards. These give to westernmost Chelsea something of the dignity which the Royal Hospital provides in the east, and when the future of this and the Meek Street area is settled we ought to end with a bang rather than a whimper on our Fulham boundary.

These are random thoughts, put down with a view to opening residents' eyes to parts of Chelsea with which they are perhaps unfamiliar, and bringing out character rather than architectural quality. Admirable tools have been put into the hands of planning authorities by the legislation on listed buildings and conservation areas, and if they are used aright the best features can be preserved and the less desirable replaced by something that still takes some inspiration from the past. No amount of care is excessive, and no effort on the most intimate local scale is wasted. Love of the place, imagination, intelligence and the spending of a bit more money than the bare functional minimum required have created the character of this unique riverside area so near to the centre of London. No architect is too good for it, and no patrons, including the Borough Council, can be too aware of its aesthetic responsibilities. The illustrations have been chosen not so much to show our great set pieces but to bring out the virtues of our many trees, our quiet streets and squares, and the human scale of our road patterns. Tentatively enough this study is offered as a local contribution to Architectural Heritage Year.

## *Clipper Race*

One of the Society's Secretaries accepted the invitation of the *Financial Times* to a party in St. Katharine's Yacht Haven on 29th August, to celebrate the start of the Clipper Race to Australia two days later. To a Chelsea resident with a natural interest in anything concerning the river, and indeed to any Londoner, this was a delightful occasion. H.R.H. Princess Alexandra and family arrived in a launch which cruised slowly into the marina, where innumerable craft were dressed with gaily fluttering flags. This, and the constant movement of a picturesquely costumed crowd about the jetties and restored warehouses provided an unforgettable scene. Your totally unnautical Secretary was privileged to hear from Sir Alec Rose himself the conditions and objects of the race, and appreciated in addition the drinks and the trays of titbits generously set out on what looked like old gravestones in one of the yet-to-be fully rehabilitated waterside areas. It was one of those celebrations in which masterly organisation is concealed in an apparently impromptu result. We take the opportunity of paying a warm tribute to the *Financial Times* and all concerned, and recommend our members to go and have a look at the exciting development of St. Katharine's Dock, just downstream of Tower Bridge.

# THE CHELSEA SOCIETY

Balance Sheet at 31st December, 1974

LIABILITIES	£	ASSETS	£
General Fund at 31.12.73	432.99	Balance in Post Office Account	2780.71
Less Deficit for 1974 in Income and Expenditure Account	255.12	Balance at Bank:	
	<hr/>	Deposit Account	270.43
General Fund at 31.12.74	177.87	Current Account	136.86
1975 subscriptions paid in advance	75.50		
Sundry Creditors	713.00		
Life Membership Fund 31.12.74	2221.63		
	<hr/>		
	£3188.00		<hr/>
			£3188.00

## General Fund: Income and Expenditure Account for the year ended 31st December, 1974

INCOME	£	EXPENDITURE	£
Annual Subscriptions	845.15	Cost of Annual Report	713.00
Transfer from Life Membership Fund	180.14	Stationery, postage and miscellaneous	401.30
Interest on Deposit Account	28.01	Cost of Summer Meeting	106.01
Deficit for year carried to Balance Sheet	255.12	Cost of Annual General Meeting	38.61
	<hr/>	Donations to other organisations	25.00
	£1308.42	Net deficit on sale of Christmas cards	24.50
			<hr/>
			£1308.42

*Life Membership Fund Account for the year ended 31st December, 1974*

	£	EXPENDITURE	£
INCOME			
Life Membership Fund 31.12.73	...		
Life Membership fees in 1974	...	Transfer to General Fund towards current expenses	180-14
Interest on Post Office Account	...	Life Membership Fund 31.12.74	2221-63
	...		
	£2401-77		£2401-77

I have examined the above Balance Sheet and Accounts and I certify them to be in accordance with the books and vouchers of the Society.

P. C. GELLEY,

*Hon. Treasurer.*

R. D. CLARKE,

*Hon. Auditor.*

## Appendix

The petitioners seek a faculty authorising the introduction into St. Luke's churchyard, Chelsea, of the monument detailed in the petition and in exhibits 2 and 3, a memorial to those Polish soldiers and citizens who were murdered at Katyn. It is to be an obelisk of polished black Nubian granite, with the top of its needle almost 24 feet above the surface of the ground. It is to have on it the inscription "Katyn 1940" and some other words recording the event. I shall describe it in more detail later.

Two questions arise. Can the Court lawfully grant such a faculty? If so, ought the Court in the exercise of its judicial discretion to grant it?

The church of St. Luke, Chelsea, was built, and the churchyard was laid out, under two private statutes passed at the end of the reign of King George III. In due course the church was consecrated as a church and the churchyard was consecrated as a burial ground. In 1857 the churchyard was closed for burials by Order in Council. During the following 30 years it became neglected, and in 1886 the incumbent, the churchwardens and the clerk to the Vestry of the Parish of Chelsea (a corporate body) together approached this Court for a faculty "to permit (the burial ground) to be converted into an open space of garden for the benefit of the parish in accordance with a plan filed in the Registry". The petition was advertised in *The Times* on this footing, and produced a good deal of correspondence. Eventually there was a hearing before Tristram Ch. and a faculty was granted on 31st December, 1886 in the terms sought by the petition. The plan filed in the Registry shows that what was authorised was substantially the present arrangement of paths and lawns. Almost all the tombstones were to be removed from their existing positions to form boundaries round the church and round the outside of the churchyard; most of them still stand in these positions. There have been various other faculties on specific points, but this one is still effective in respect of the gardens to the south of the church, with which the present case is concerned.

The church stands in the middle of the original churchyard dividing it into a northern and a southern section roughly equal in size. I shall refer to the southern section as St. Luke's Gardens. The Gardens are about  $1\frac{1}{2}$  acres in extent. They are divided into four parts by paths which are in the positions shown in the plan lodged with the Court in connection with the faculty of 1886, and also in the plan on the conveyance of 1888, to which I refer later. The Gardens contain many trees, mainly deciduous, and in summer they are a shady place, except for the part immediately to the south of the church. This part is in sunshine and people sun themselves, mainly on a row of seats. They are not allowed to sit on the grass, or to place chairs on the grass. It is immediately to the south of this row of seats that the petitioners now wish to place the proposed monument. Chelsea is very short of open spaces to which the public has access, most of the actual open spaces being squares, gardens in private ownership. St. Luke's Gardens are particularly valuable because just to the north there are several blocks of flats, Sutton Dwellings, with many inhabitants.

In 1886 the then local authority for Chelsea, the Vestry, was prepared to take over the churchyard and to run it as an open space or garden for the benefit of the parish. On 27th July, 1888 the freehold of the whole churchyard was conveyed to the Vestry on the trusts of the Metropolitan Open Spaces Act 1881. This conveyance did not, and could not, expunge the sacred uses created by the sentence of consecration of the churchyard as a burial ground for the dead of the Parish of St. Luke's, Chelsea, but it engrafted onto them the statutory trusts of the Act of 1881. The critical provision is in the middle of Section 5 of that Act. It is that a churchyard which becomes vested under the provisions of the Act in a local authority

"shall be held and administered . . . in trust to allow, and with a view to, the enjoyment by the public of such . . . churchyard . . . in an open condition free from buildings and under proper control and regulation, and for no other purpose."

Then follows an enumeration of things which the local authority is authorised to do by way of management of the open space as such, and a proviso that if the ground is consecrated those powers are not to be exercised except under a faculty. The legislation has changed from time to time, but the current provisions in Sections 10 and 11 of the Open Spaces Act 1906 correspond closely with those of Section 5 of the Act of 1881.

These Gardens are a valuable advantage to the public, and in particular to the public of the parish for whose benefit the faculty of 1886 was sought and granted and for whose benefit the church authorities in 1888 transferred the freehold to the Vestry. The Gardens do credit to the various municipal authorities which at one time or another have in fact maintained them. For some reason no faculty authorising any of these authorities to authorise the powers of management has ever been obtained. This omission, now discovered, must of course be put right, and Mr. Maurice undertook on behalf of his clients that a petition would be presented.

At present the Council of the Royal Borough of Kensington and Chelsea (hereinafter called "the Borough Council") maintains the churchyard, and the fee simple is vested in it. I need not detail the various Acts reforming local government in London under which this vesting has come about. The vesting of the freehold has no effect on the trusts, which are now those of the Open Spaces Act 1906, except in so far as they may have been modified by later legislation.

The Borough Council is a body of recent creation. Its area is extensive. A map, exhibit 13, shows it as stretching from the river to Harrow Road, and from Sloane Square to Earls Court, Chelsea in general, and St. Luke's Parish in particular, are but a small part of its area. The Borough Council initiated these proceedings as freeholder and was originally the only petitioner.

The individual petitioners were added at their own request at the beginning of the hearing. They are members of a committee ("the Memorial Committee") which has collected money (detailed in the evidence of the Treasurer, Mrs. Marcinek at pages 62 to 64 of the transcript) for the purpose of erecting in London a monument to the Polish soldiers and citizens who were massacred at Katyn in Western Russia during the war of 1939/45. That the massacre took place is common knowledge, and I propose to take judicial notice of the fact that it occurred, adopting for this purpose the carefully worded reference to the subject in Sir Winston Churchill's book, "The Second World War," Volume 4, pages 678 to 681. Exactly when the massacre took place and who were the persons guilty of it is not a matter which I propose to discuss. Its victims were Polish soldiers and citizens who had fled eastwards in the autumn of 1939 when their country was invaded from the west by the Germans. They fell into the hands of the Russians who were also invading their country from the east. The Russians then held them captive and the area of the camps was later occupied by the Germans who invaded Russia in 1941. Many thousands of

the Poles who were at one time in these camps were murdered. The Germans accused the Russians of this massacre, and the Russians accused the Germans of it. Whoever was guilty, it is one of those crimes which from time to time stain human history: it is fit to be named together with the massacre of St. Bartholomew, the Armenian atrocities and the German gas chambers. No wonder it arouses emotions among Poles, and especially among those Poles who live here in freedom.

After the war many Poles settled here, often after long and gallant service side by side with the Forces of the Crown against the Germans. Some 70 per cent of the refugee and exiled population of this country are Poles. They have been welcomed here and have developed a number of Polish and Anglo-Polish organisations. Several of these organisations have premises in South Kensington, and the positions of them are marked on exhibit 13. The concentration in South Kensington may well have occurred partly because the Polish forces which were in this country during the war used to worship at Brompton Oratory. There is now a Polish church at Shepherd's Bush. There is a distinguishable Polish colony in Earl's Court, which Mr. Soboniewski told me (pages 95, 96) was at least at one time known as "the Polish corridor"; newspapers in Polish are sold there and the Polish language is to be heard (page 326). All these places except Shepherd's Bush are in the area of the Borough Council, but none of them is in Chelsea or in St. Luke's parish. Some Poles reside in the King's Road, Chelsea, but their numbers are small and the same could no doubt be said of many other streets in London. Upon the evidence, I find as facts that neither Chelsea, nor St. Luke's parish, is a centre of Polish habitation or of Polish institutions or of Anglo-Polish institutions. In South Kensington it is different: but South Kensington is not Chelsea.

Among those who sought to help the Poles in this country is Mr. Louis FitzGibbon. In 1968 he was General Secretary of the British Council for Aid to Refugees. In that year he started to enquire into the circumstances of elderly refugees. As the information came in, he gradually became aware that many elderly ladies here were widows or other relations of the victims of Katyn. This led to his writing a book on the massacre, which was published in April 1971. In August of that year someone in South Africa sent him about £30 with the suggestion that a monument be erected to honour the victims of the Katyn massacre somewhere in the west, until such time as a monument could be erected in Poland. Mr. FitzGibbon mentioned the idea to his Polish friends, and the Memorial Committee was formed to consider it. The Memorial Committee issued an appeal, exhibit 11. The names of the patrons of the Committee are stated on the appeal as at 1st January, 1972. The appeal was for money to "erect a permanent and publicly visible monument" to the victims of Katyn "in London at some suitably public place"; so as to "provide an opportunity for anyone of any nationality to pay homage to these 'martyrs for freedom' and a place where they may ponder upon man's inhumanity to man." The Committee said in the appeal that the monument would be an obelisk. The Committee considered at least four sites, all of which they rejected. One was at Wormwood Scrubs, one in Battersea Park, another was near the Polish church in Shepherd's Bush. Exactly why that site was rejected does not appear: the answers of the witnesses about it (pages 101 and 110) are not really consistent. The expert witness, Mr. Gabrielczyk, said (page 380) that he understood that planning permission was refused. But rejected it was. Then there was a small site in the angle where two roads meet outside the Victoria and Albert Museum, which was also thought by the Memorial Committee to be unsuitable as being too cramped and being vulnerable to road widening. Mr. Maurice stated, in opening the case, that "the obvious choice appeared to be Brompton Oratory but the fact is that there is no site, there is nowhere where it can be put up." I have been unable to find in the transcript any evidence to support this statement, unless it be a reference to the evidence of Mr. FitzGibbon about the site outside the Victoria and Albert Museum. There is indeed no evidence before me that the Committee ever approached the Roman Catholic authorities in charge of Brompton Oratory. Mr. FitzGibbon told me that the Memorial Committee had also been enquiring about a site in Thurloe Gardens, and it was after the failure of the site outside the Victoria and Albert Museum that he met Sir Malby Crofton, the leader of the Borough Council, and in the course of this conversation two sites were mentioned (page 111). One was in Redcliffe Gardens, the other was St. Luke's Gardens. Having rejected Redcliffe Gardens, Mr. FitzGibbon and other members of the Memorial Committee inspected St. Luke's Gardens and thought it "ideal", because it is "a pleasant, almost private-type garden, a quiet place." I find, on the evidence (pages 135, 136 and 159) of Mr. Robinson, at the relevant time Chairman of the Borough Council's Libraries and Amenities Committee, that the Memorial Committee approached the Borough Council, saying that they wanted a site for the monument and asking "what we could do about it". Mr. Robinson said that he himself investigated the possibility of St. Luke's Gardens (page 137). Mr. Maurice sought to submit in argument that the initiative came wholly from the Borough Council. The evidence does not justify this submission. The Memorial Committee approached people on the Council, and Mr. Robinson responded by suggesting St. Luke's Gardens.

In November 1971, the Memorial Committee instructed Mr. Gabrielczyk, a distinguished civil engineer, to prepare designs for a memorial to commemorate the Katyn massacre. The Memorial Committee had already decided to have an obelisk, as appears from the appeal issued a few weeks later, and according to Mr. Gabrielczyk he was instructed on the understanding that there was a real prospect that the monument could be placed in St. Luke's Gardens. I should like to pay tribute to the quality of Mr. Gabrielczyk as a witness. He was fair and careful, and I am satisfied that a great deal of conscientious thought, and indeed emotion, has gone into the preparation of his design for the obelisk.

Mr. Gabrielczyk's designs, exhibits 2 and 3, were dated as late as June and July 1973: there is an earlier layout plan, exhibit 14, which was prepared in September 1972 by the Borough Engineer. There are also some plans, substantially the same but unsigned and undated, which were attached to the application for planning permission in September 1972. Exhibit 3 shows a "new double screen of pine trees supplied by client", 21 in total, to the north of the monument, and an area of tarmacadam to the south of it. As to the former, Mr. Maurice said in opening that there would be "a symbolic arc of . . . 23 fir trees, symbolic of Katyn Forest," which were to be provided by one of the individual petitioners. These trees would cut most of the sun off the row of seats along the south side of the church. On the fourth day of the hearing Mr. Maurice was instructed to abandon them. As to the tarmacadam, Mr. Gabrielczyk said that it would be about 10 feet by 20 feet and that it was suggested by the Borough Engineer. Mr. Gabrielczyk said that the monument would be built by the well-known firm of contractors, Messrs. Trollope & Colls, with a specialist firm to prepare the sections of the obelisk itself. I am sure that Mr. Gabrielczyk can be relied upon to ensure that the obelisk and its surroundings will be well and soundly constructed, if its construction can be, and is, authorised.

At some stage, perhaps in the spring of 1972 but the evidence (page 137) is not clear about the date, Mr. Robinson spoke to the rector, Mr. Loasby, informally. Mr. Robinson told me that this approach was made "to get his reactions . . . knowing that they were our gardens, but he was naturally interested as next door neighbour",

and that the matter was not put by Mr. Robinson to his committee of the Borough Council "until (the Rector) had given his full consent to my putting the proposal forward". The rector in his evidence (page 175) said that this "go ahead" was a personal view given without seeing plans and that he was in favour and sympathy with putting up a memorial to "this historic event". I find as a fact that this assent was given by the rector at an early stage, before Mr. Gabrielczyk's plans existed, and that it was a provisional and general expression of personal sympathy. There were no firm proposals until much later.

The first formal approach to any church authority was in a letter from the Borough Engineer to the rector, dated 26th June, 1972, which is part of exhibit 16. It is as follows:

"Dear Padre,

#### ST. LUKE'S GARDENS—KATYN MEMORIAL

An application has been received from the Honorary Secretary of the Katyn Memorial Fund asking that consideration be given to the erection of a memorial in St. Luke's Gardens in remembrance of those Polish officers who died in the Katyn massacre. It is envisaged that the memorial will be an obelisk about 20 feet high and rising from steps, the lowest of which would be about 20 feet square.

I might add that the Honorary Secretary foresees that the memorial, if erected, would become a place of pilgrimage for Poles and that there would be a yearly remembrance day when hundreds of people would be present.

I shall be reporting this matter to my committee on Tuesday, 4th July, 1972, but before I do so I would very much appreciate your thoughts and comments."

The opening sentence of this letter must refer to an application to the Borough Council as owner, not to the application for planning permission (exhibit 28) which was not made until later. It is therefore not consistent with the suggestion made by Mr. Maurice that the Borough Council took the initiative in offering to the Committee the site in St. Luke's Gardens. In reply he sought to disclaim the second paragraph of the letter, which he said was written by the Borough Engineer without authority. But the Borough Engineer was quoting Mr. FitzGibbon, the Honorary Secretary, as also appears from exhibit 29. The reply of the rector, dated 6th July, 1972, was as follows:

"Thank you for your letter. I have discussed this with my churchwarden. We don't wish to oppose it strenuously, but at the same time, we do not really think St. Luke's Gardens are big enough for such a large memorial, nor to receive, without damage, a constant stream and an occasional flood of Polish pilgrims. Nor can we see why it should be placed in Chelsea, where there are no obvious links."

This reply gave clear notice that the rector and his churchwardens did not like the suggestion. I find that the letter of 26th June, 1972 was the first that they had heard of the size of the proposed monument or of the obelisk. The Borough Engineer replied on 19th July, 1972 that there were no firm proposals, but that if the scheme went ahead he presumed that the rector would make representations when a faculty was applied for.

The matter had in the meantime been considered by the Libraries and Amenities Committee on 4th July and the relevant part of its agenda is exhibit 25. This agenda made it clear that the application to put the monument in St. Luke's Gardens had come from the Memorial Committee. It also notes that there was likely to be no planning objection, but that in the Gardens "the only position which is at all suitable" is the position eventually chosen. The person making the report said that he would report orally on the views of the rector and of the Chelsea Society, which had been consulted "because St. Luke's Gardens is a much used amenity in this part of the Borough". The Court does not have the advantage of having the views of the Chelsea Society in evidence. This meeting gave approval in principle to the project, and its decision was ratified by the full Council on 26th July, 1972 (exhibit 29). The next thing that happened was that on 21st September, 1972, Mr. FitzGibbon applied for planning permission for the monument on behalf of "the Katyn Memorial Fund": exhibit 28. This application contains at its foot, the extraordinary assertion, which I note without further comment, that "the applicant is applying for a tenancy of every part of the land to which the accompanying application relates".

The Libraries and Amenities Committee resumed consideration of the subject on 3rd October, 1972. A photographic copy of the statement marked H, being evidently part of the agenda, is exhibit 26. It appears that on 4th July the Committee had agreed in principle to the monument being put in St. Luke's Gardens and that in the meantime Mr. FitzGibbon had "submitted a sketch drawing" of the design. This is not before me. He also submitted half a dozen suggested inscriptions among which the Committee was invited to choose. The minutes again are not in evidence.

The planning permission was granted on 9th January, 1973, and a copy of the permission is before me but has for some reason not been numbered as an exhibit. Despite my invitation to do so the petitioners have not put in evidence any of the agenda or minutes of the Planning Committee. It appears from the evidence of Mr. Raven, a senior planning officer employed by the Council (pages 449, 450), that the Borough Council quite frequently gives notice to neighbours of pending planning applications, but that they did not do so in this case "because this was being dealt with through the church as a focus for objectors".

The Borough Council next consulted the Diocesan Advisory Committee which was adverse to the proposal. That Committee considered the case on 27th March, 1973 and its views are stated in the formal advice to me in these proceedings. Shortly they were, and are, that there is no connection between the persons to be commemorated and Chelsea; that the memorial would be out of scale with its surroundings, that it would "materially affect the character of the Gardens", that a burial ground is "principally a place of rest and that the church's ministry of reconciliation requires that it should not be used to proclaim an injustice perpetrated 30 years ago in another land and which is still a subject of controversy". The Diocesan Advisory Committee reconsidered the matter at the request of the Borough Council on 26th June, 1973 and re-affirmed its view "that the proposed memorial was unsuitable and inappropriate to this site".

On 24th October, 1973 the Borough Council resolved to submit this petition. On the same day the Borough Solicitor wrote to the rector and stated that he believed that the Parochial Church Council had approved the plans. This belief was incorrect. No plans had been supplied. The Borough Solicitor also asked for a certified copy of the resolution of the Parochial Church Council approving the location and details of the memorial. The rector rejoined by asking on 31st October to see the plans, and on 5th November the Borough Solicitor sent "a



copy of the drawing of the Katyn Memorial, together with a site plan showing its proposed location in St. Luke's Gardens". He also invited the rector and churchwardens to join with the Borough Council as petitioners. On 4th December, 1973 the Parochial Church Council held a meeting. The minutes are in evidence, exhibit 18. The relevant parts of the minutes are as follows:

"It was felt that it would be ungracious to say no but as the Poles were Roman Catholic the rector thought that the memorial should be near a Roman Catholic church. After discussion the following resolution, proposed by the rector, seconded by Mr. Werner, was agreed by the P.C.C.:

This Council, sympathising with the Poles in the tragic events recalled by the proposed memorial, does not object to the said memorial being placed in St. Luke's Gardens, but wishes to record its view that it would be better placed near a Roman Catholic church, such as Brompton Oratory, where Polish people in London worship."

The effect of this minute was communicated the next day by the rector to the Borough Solicitor and he added: "In the matter of my churchwardens and myself being petitioners for the faculty . . . we should be obliged to state the view . . . that the memorial would be better placed near a Roman Catholic church and I doubt whether this would help in obtaining a faculty."

There appeared at the first day's hearing of this case to be some confusion as to exactly what documents had been before the Parochial Church Council on 4th December, 1973. I therefore suggested that during the week which elapsed between the first and second days of the hearing a further meeting of the Council should be called so as to express its opinion on the precise proposal which by then was before the Court. An emergency meeting was duly called and held on 30th July, 1974 and the proposals now before the Court were put before it. 16 of the 19 members of the Council were present. 15 of them voted for the resolution which is exhibit 17; one member did not vote. No members voted against the resolution. It was as follows:

"The Parochial Church Council confirms the resolution passed on 4th December, 1973, but re-iterates its view that the site is ill-chosen. However, since that resolution was passed the Parochial Church Council has been made increasingly aware of the feelings and concern of parishioners as to the siting of the memorial, the unsuitability of its design and its size in proportion to the area of the garden, and, accordingly, recommends that, if it is considered that the memorial *must* be in St. Luke's Gardens, it should be sited away from the church, of a different and less aggressive character, and of smaller dimensions than those proposed so as to avoid provoking hostility. The Parochial Church Council notes that a view has been expressed that a charitable or educational application of the funds contributed would be a positive form of memorial."

At my instance the two churchwardens, Colonel Large and Mr. Edwards, gave evidence as to the state of opinion in the parish in regard to this petition. It was particularly desirable for me to have this evidence because the Borough Council, as noticed above, had not given any local notices or sought local views except those of the Chelsea Society which were not put in evidence. The churchwardens are the Bishop's officers, and it is well recognised that the Bishop's Court is entitled to their assistance in this manner, notwithstanding the rule of law which usually excludes hearsay evidence. These witnesses were called as judge's witnesses. But since the Archdeacon of Middlesex was represented by counsel, I asked his counsel to examine them in chief so as to save my having to do it myself.

This is a convenient practice where an appropriate party is so represented. It saves the judge from appearing to descend into the arena. They were extensively cross-examined by Mr. Maurice and their evidence can be read in the transcript. Having heard it originally, and having twice read through it, I find that it establishes that there is no general desire among the parishioners that this petition should be granted. I find that the broad effect of this evidence is that some parishioners who were consulted are doubtful, some are neutral, some are actually opposed and a few support the proposal.

I was informed that on 28th June, 1972 a motion was tabled in the House of Commons condemning the massacre and welcoming the proposal of the Memorial Committee "to erect a memorial in London to the victims" and that 194 Members of Parliament put their names to it. I understand that the motion was never moved or passed, and it was not suggested that it was with particular reference to the proposal now before the Court to put an obelisk in St. Luke's Gardens. A photostatic copy of what appears to be the order paper was put before the Court but was not numbered as an exhibit. I take this material only as showing that a number of gentlemen who were members of the House of Commons in 1972 favoured the idea of there being a memorial in some form somewhere in London to the victims of Katyn. My problem, however, is whether the particular memorial now proposed can and should be put in St. Luke's Gardens.

I now come to the questions of law. First there is the issue as to the locus standi of the individual petitioners. The Borough Council obviously has a right to petition the Court because it is freeholder. But the other petitioners are not parishioners, nor are they on the electoral roll of St. Luke's Parish. Unless they can establish a sufficient and relevant interest they have no locus standi in this Court. Several cases were cited to me, and I found most helpful the observation of Sir Robert Phillimore, Dean of Arches, in *Fagg v. Lee* L.R. 4 Adm. & Eccl. 135 at page 150 that it would be a great evil if persons having no connection with a parish should be entitled to interfere in matters relating to the church (or of course the churchyard). I do not accept the submission of Mr. Maurice that these remarks relate only to proceedings for the removal of articles from churches. To put things into a church or a churchyard, or try to do so, can equally cause trouble, as has been proved by this very case. In my judgment they apply to any interference with a church or churchyard. It is not the law that anyone can confer upon himself a sufficient interest to be a litigant in the Consistory Court merely by deciding that he wants to do something to a church or a churchyard in the diocese. The concept of a party interested is in its origin proprietary and is comparatively narrow. It has had to be extended even to persons on the electoral roll of a parish, or indeed to the Archdeacon himself, by express legislation. However, I need not examine the authorities exhaustively because in my judgment the added petitioners do upon the special facts of this case have a sufficient interest to be petitioners. The Borough Council is a qualified petitioner, as freeholder. It has decided to ask the Court to allow it to permit the other petitioners to put up a monument on its ground at the expense of the other petitioners. That is to say, as freeholder, it wishes to be allowed to licence the other petitioners to do something on its property. In those circumstances, although I do not think that the individual petitioners could have been heard if they had petitioned on their own account, I am of the opinion that, as parties ancillary to the petition of the Borough Council, they



were entitled to be petitioners. If I were to decide to grant a faculty, it would be convenient to have them before the Court so that they might give personal undertakings as to the due execution of the work. These undertakings would probably be necessary, since the Borough Council has made it clear that it is not prepared to spend the money of the ratepayers upon the construction of the monument, and the evidence of Mrs. Marcinek shows that the fund is still short of the amount which the construction is expected to cost. If the work were allowed to start, it would be essential to ensure its completion. In respect of their locus standi, Mr. Maurice's submission therefore succeeds, and I hold that the individual petitioners were correctly joined.

The Archdeacon of Middlesex intervened in the proceedings at my request to put the petitioners to the proof of their case and he appeared at the hearing by Miss Cameron of counsel. Thus the matters of law and fact have been fully and ably argued before me.

I can now come to the question whether the faculty sought by this petition can lawfully be granted. I start from the proposition that this is a consecrated churchyard. I respectfully adopt the following words of the Deputy Auditor of the Chancery Court of the Province of York, *In Re St. Mary, Woodkirk* [1969] 1 W.L.R. 1867 at page 1871:

"The essential legal act of consecration is the signature by a bishop on what is called a sentence of consecration by which, in respect of a churchyard, he separates and sets apart the ground from all profane and common uses whatsoever, dedicates the ground to the service of Almighty God for the interment of the remains of the dead and consecrates the same for such purposes. The sentence further pronounces, decrees and declares the churchyard to be so separated, dedicated and consecrated and that it ought to remain so forever. The ground, by the ordinary law of the land, then becomes consecrated land, held for sacred uses and subject to the jurisdiction of the Ecclesiastical Court. In any case the sacred uses are perpetual and can never be divested from consecrated land save by or under the authority of an Act or Measure. Equally this Court's jurisdiction over the land cannot be destroyed save by or under the authority of an Act or Measure."

In 1857 this churchyard was closed for burials by Order in Council. In 1884 Parliament passed the Disused Burial Grounds Act 1884, Section 3 of which provides:

"It shall not be lawful to erect any buildings upon any disused burial ground except for the purpose of enlarging a church, chapel, meeting house or other places of worship."

So far, then, there were the sacred uses, subjection to the jurisdiction of the Court and the added prohibition imposed by the Act of 1884.

In 1888 this churchyard was conveyed in fee simple to the Vestry, under the authority, and upon the trusts of, the Metropolitan Open Spaces Act 1881. Thus by 1889 the fee simple was vested in the local authority subject to the express prohibition of the erection of any buildings by the Act of 1884, subject also to the jurisdiction of the Court and to the sacred uses as a burial ground, but those uses had been relaxed and modified to the extent indicated by Section 5 of the Metropolitan Open Spaces Act 1881, which authorised and required the user of these premises as an open space.

Mr. Maurice submitted that Section 42 of the Public Health Acts Amendment Act 1890 had some bearing on the matter. In my judgment this Section goes to the capacity of the local authority to do the act mentioned and has no effect upon the specific enactments as to open spaces and disused burial grounds, still less to the sacred uses or the subjection to the jurisdiction of the Consistory Court.

The next relevant Act is the Open Spaces Act 1906. It repealed the Act of 1881, but not the Act of 1884. Section 10 of the Act of 1906 in my judgment supersedes Section 5 of the Act of 1881 and therefore now defines the trusts upon which the Borough Council holds this open space, except in so far as other trusts, powers and duties may have been created or imposed by subsequent legislation. It has, of course, no bearing on the jurisdiction of the Court, any more than Section 5 of the Act of 1881 had. So far as relevant, Section 10 provides that the local authority is to:

"Hold and administer the open space or burial ground in trust to allow, and with a view to, the enjoyment thereof by the public as an open space within the meaning of this Act and under proper control and regulation and for no other purpose; and to maintain and keep the open space or burial ground in a good and decent state."

Then follow certain administrative powers, or powers of management, of a detailed character. By Section 11(1) of the same Act it is provided that:

"A local authority shall not exercise any of the powers of management under this Act with reference to a consecrated burial ground unless and until they are authorised to do so by a licence of faculty of a bishop."

This provision in my judgment extends the jurisdiction of this Court so as to require a faculty for the exercise of those of the powers of management which in an ordinary consecrated burial ground would not need a faculty. For example, a faculty would not normally be needed to turf or plant a burial ground, but turfing and planting are among the express powers of management in Section 10. Section 11(1) does not in my judgment in any way derogate from the general jurisdiction of the Court consequent upon the existence of the sacred uses, but it extends the need for a faculty to these special cases. Later sub-sections make certain express provisions as to tombstones.

The next Act is the London County Council (General Powers) Act 1935, a private statute. Section 42 of this Act conferred upon a local authority in London power in respect of any open space in its area to provide a considerable number of recreational facilities, and buildings in connection therewith, and Section 51 provided that these powers might be exercised notwithstanding the provisions of any other Act. In *Re St. Dunstan's, Stepney* [1937] P. 199 Errington Ch. held that the effect of Section 51 was to negative the prohibition in the Act of 1884 in so far as the buildings covered by Section 42 were concerned, and thus to give back to the Court its power to grant faculties in respect of such buildings. Section 52 provides, so far as material, as follows:

"Section 11 (special provisions as to management of burial grounds and removal of tombstones) of the Open Spaces Act 1906 shall be incorporated with and form part of this Act. . . ."

This provision does not in my judgment make any addition to or subtraction from the powers and duties of the Court, but is declaratory only.

Mr. Maurice conceded in argument that none of the matters authorised by the Act of 1935 comes anywhere near the proposal in the present case.

In 1963 all local government arrangements in London were reformed by the London Government Act 1963; Section 87(3) of that Act provided that:

"For the purpose of securing uniformity in the law applicable with respect to any matter in different parts of the relevant area . . . any appropriate Minister may" (after certain consultations) make a provisional order to "amend, repeal or revoke any Greater London statutory provision and extend it, with or without modifications, to a part of the relevant area to which it did not previously extend."

This is a section expressed to be "for the purpose of securing uniformity". A provisional order was made by the Minister of Housing & Local Government and was confirmed by a private Act of Parliament, the Ministry of Housing & Local Government Provisional Order Confirmation (Greater London Parks and Open Spaces) Act 1967. This Act repeals the relevant Part of the Act of 1935. Article 7 of the Provisional Order thus confirmed has a side-note: "Facilities for Public Recreation". Like Section 42 of the Act of 1935 Article 7 enables the local authority to provide a large number of recreational facilities with the necessary buildings for them, in respect of and upon open spaces under their control including disused burial grounds, and Article 11 of the Order, like Section 51 of the Act of 1935, says that the powers conferred on the local authority by Article 7 may be exercised notwithstanding the provisions of any enactment. There is nothing in the Act of 1967 corresponding to the declaratory Section 52 of the Act of 1935, which incorporated Section 11 of the Act of 1906. Thus the Act of 1967 is silent about faculties. Mr. Maurice submitted that the effect of this silence is to make it unnecessary to obtain a faculty for the erection on a consecrated burial ground of any building covered by Article 7. I reject this submission. As the Deputy Auditor pointed out in *Re St. Mary, Woodkirk*, consecrated ground is "by the ordinary law of the land" subject to the faculty jurisdiction, which may be divested only by or under the authority of an Act or Measure. Section 11 of the Act of 1906 was not, in my judgment, substituted for this ordinary rule of law, but was passed to extend it. By a declaratory section in the Act of 1935, Section 11 was re-iterated. The declaratory section has now been dropped, so far as things authorised by the Act of 1967 are concerned. That still leaves untouched the jurisdiction imposed by "the ordinary law of the land". I should perhaps add, in passing, that in an Act confirming a provisional order made under Section 87(3) of the Act of 1965 it would be most surprising to find a provision abolishing a jurisdiction which has existed for centuries. Such a provision could not be "for securing uniformity in the law applicable with respect to any matter in different parts of the relevant area", and I refuse to construe it in this extended sense in the absence of words compelling me to do so. I hold, therefore, that though the buildings mentioned in Article 7 are exempted by Article 11 from the provisions of the Disused Burial Grounds Act 1884, they cannot lawfully be erected without a faculty.

It has been necessary to reach a conclusion upon this rather complicated point, although Mr. Maurice concedes that the proposed memorial is not covered by Article 7, because he relied upon the Act of 1967 in regard to the exercise of the Court's discretion, submitting that so much could be done under that Act without a faculty that the control of this Court over St. Luke's Gardens is now merely "vestigial". I deal with this submission later, when I reach the issue of discretion. But on the question whether Section 3 of the Act of 1884 forbids the erection of this proposed monument, I am left simply with that Section itself and the cases decided under it, Mr. Maurice conceding that nothing in any of the subsequent legislation (except perhaps the Act of 1890, the relevance of which I have rejected) authorises such a structure as is here proposed.

It is agreed between counsel that in considering Section 3 I ought to have regard also to the provision in Section 5 of the Act of 1881 that land within that Section is to be enjoyed by the public "in an open condition, free from buildings". This agreement was justified by the linking of the two provisions by Buckley, J. in *Boyce v. Paddington Borough Council* [1903] 1 Ch. 109 and by the way in which that case was dealt with in the House of Lords: *Paddington Corporation v. A.-G.* [1906] A.C. 1.

Buckley, J. said, at p. 117, that the word "buildings" occurs in Section 5 of the Act of 1881 "in the connection that the land is to be enjoyed 'in an open condition free from buildings'". He continued "I think this means such buildings as would preclude or diminish its enjoyment in an open condition for exercise and recreation". He went on "In Section 3 of the Act of 1884 the erection of any buildings . . . is forbidden except for the purpose of enlarging a church. I think that the word 'buildings' there means erections which would cover some part of the ground, as the enlargement of a church would do". In the House of Lords, the judgment of Buckley, J. was approved by all three noble and learned Lords, and the Earl of Halsbury, L.C. dealt further with the question what was meant by the prohibition of "buildings" in Section 3. His Lordship said "I am of opinion that it meant what it said—that the space was to remain unbuild upon. It is to be disused as a burial ground, but it is not to be used as a building ground—that is the meaning of it; and it appears to me that anything which approach to the character of a building, whether temporarily or permanent, is obviously within the prohibition": at p. 3. Having rejected the idea that the cases about the word in other contexts were of much assistance, Lord Halsbury said: "I have to look at the word 'building' here with reference to the subject matter and what the Act of Parliament was doing. It is very obvious, I think, that what was intended to be done was to keep this disused burial ground from being used as a building ground, to keep it as a place of exercise, ventilation and recreation and whatnot,—to prevent anything being done in the nature of building which would interfere with or restrict the free and open use of these spaces as constituted under the statute": at p. 4. Mr. Maurice contended that the Act of 1884 was to be construed narrowly, as being a penal statute. In my opinion the observations of Lord Halsbury are a surer guide. I note particularly the phrases "anything that approaches to the character of a building" and "to prevent anything being done in the nature of building", both of which were used in connection with ensuring that the area is not to be used as a building ground, i.e. that it is not to be built upon.

Mr. Maurice submitted in effect that a passer-by, seeing the proposed monument would not say to himself "That is a building", but "That is a monument", and that if it is a monument it cannot be a building. Not surprisingly, Miss Cameron rejoined that in the application for planning permission, exhibit 28, the individual petitioners, applying to the Borough Council, had to answer the request "State whether the proposal involves (i) new building(s); if yes, state gross floor area of proposed building(s)"; and they filled in "Yes," adding "400 square feet". Again Mr. Gabrielczyk himself told me that his instructions were to obtain the necessary planning permissions and approvals under the "building regulations". But this case cannot be determined either by unguarded remarks of the individual petitioners or of their expert, or by the reactions of a supposed passer-by uninstructed as to the context. The Court must first consider exactly what is to be erected, and must then apply the observations

of Lord Halsbury, and thus obey the Section. We are not concerned only with the needle of the obelisk, but with the whole structure. To see what that means, I go to the evidence of Mr. Gabrielczyk. He said (pages 382 to 383) that the base would consist of three layers of Portland stone, each 9 inches in height, the first step being 19 feet 4 inches in plan, the second 15 feet 4 inches, and the uppermost 11 feet 4 inches. Upon this would be a base (also sometimes referred to as a podium or as a sarcophagus) formed in Nubian granite, 7 feet square by 5 feet 10 inches in height. Above that would rise the needle, in Nubian granite, of some 17 feet 7 inches above the top of the podium "three solids interconnected". The total height above ground would be 23 feet 8½ inches. Later (pages 397 to 398) he described the foundations, which would be of reinforced concrete and would go 3 feet below the surface of the ground, and he added that the reinforced concrete would be taken right up to the underside of the needle, through the base and the sarcophagus. The granite of the sarcophagus would only be a 4 inch cladding. The resultant structure would on any view be massive. There would be 1200 cubic feet of reinforced concrete in the foundations alone; the sarcophagus, of reinforced concrete and granite, would be about another 300 cubic feet. All this is in addition to the granite needle and the Portland stone steps. Mr. Gabrielczyk said that it would be put up by a contractor of national standing (Trollope & Colls), and that the erection of the memorial could be completed in four weeks, the whole project taking towards 3 months (pages 411 to 415). To erect this structure is thus a work of considerable time and expense, involving a large quantity of stone, concrete and steel. It is in no way analogous to erecting a simple monument on a grave. In face of this evidence I can only hold that the proposed structure will be something "which approaches to the character of a building", in Lord Halsbury's words, and that the construction of it will be something "in the nature of building", to quote His Lordship again. Alone it may perhaps not interfere very much with the "free and open use" of the open space, though it will undoubtedly take away some space. But if this structure was not a building, another similar one would also not be a building. If even half a dozen of them were put up on St. Luke's Gardens the loss of open space would be serious. Mr. Maurice said among other things that a building is something which affords shelter—for people, animals or machinery—and that something at which one merely looks cannot be a building. He conceded that if the sarcophagus had been hollow and had had a door in it, so that it could be used as a potting shed by the gardener, his argument would lose its force. But in the present case we are concerned, as Buckley, J. said, with structures which cover the ground, take up space, and a solid structure takes up just as much space as a hollow one.

Having reached this conclusion upon the authority of the *Paddington* case I need not say very much about the other cases on Section 3 which were cited to me. The case in the Privy Council of *Re St. Nicholas Acons* [1928] A.C. 469 is consistent with the view which I have taken. The underground transformer station which was there held to be a building took up space. Its dimensions are not given, but it need not have been any larger than the sarcophagus in the present case. What their Lordships decided was that it made no difference that the space was almost entirely below the current level of the ground. The case much relied upon by Mr. Maurice was *Re St. Botolph, Aldersgate Without* [1900] P. 69 where Tristram Ch. held that Section 3 of the Act of 1884 would not be infringed by constructing a churchyard wall the inner side of which would be covered with frescos which in turn would be protected from the weather by an "arcade or covered way". He held that the purpose of the legislation was to leave the parishioners as much space as before in which to walk about, and that this structure would not be a building because they could walk in the colonnade. His decision was not referred to in the *Paddington* case, nor in that of *St. Nicholas Acons*. It was referred to, without any expressions of approval, by the Dean of Arches in *Re St. Mark's Church, Lincoln* [1956] P. 336 at p. 343. In the same case Macmorran Ch. had said at p. 172 that the *St. Botolph's* case was "the most interesting case", but he gave no further explanation of what he meant. He did not state that he was applying it. I do not see how it bears on the present case, where there will be a loss of space to the public, even if a small one. In the *Lincoln* case the Court of Arches held that a portion of a roof, attached to an undoubted building outside the burial ground, and projecting over the burial ground, infringed Section 3. It was part of the building and though it had no contact with the soil of the burial ground it was "upon" it. This part of a building was still a building although it in no way stopped the movements of the public: I find it somewhat difficult to see how the *St. Botolph's* case can stand with this decision of the Appellate Court. But that matter does not arise for my decision. In *Bermondsey Borough Council v. Mortimer* [1926] P. 87 Hansell Ch. held that the erection of urinals would infringe the Act, but that a small wooden tool shed would not. The latter decision was based on the fact that a tool shed is a necessity if the ground is to be laid out and improved as an open space. There remains to be noticed only *Re St. Peter the Great, Chichester* [1961] 1 W.L.R. 907, which concerned an electricity sub-station consisting of a rectangular metal cupboard some 4 feet high, a transformer just over 6 feet high and some high voltage switchgear in metal boxes. Buckle Ch. distinguished the *St. Nicholas Acons* and *Lincoln* cases, which he said (at p. 942) were the only two cases brought to his notice. Thus he did not have the *Paddington* case before him. He said that the question what is a building is one of first impression, and that it depends on the ordinary meaning of the word. In this connection counsel had submitted to him that one test of a building is that it should have four walls and a roof. Since Buckle Ch. did not have the advantage of considering the remarks of the House of Lords or those of Buckley, J. in the *Paddington* case, I cannot accept his decision as laying down any principle relevant to the problem now before me, though I must not be taken as dissenting from what he actually decided.

On this part of the case Mr. Maurice submitted that the Act of 1884 is an anachronism, and that the Court should seek to avoid stretching it. There is no question of my doing so. I have sought to construe the Act, and to apply it to this case pursuant to the observations of Lord Halsbury and Buckley, J. A submission that an Act of Parliament is an anachronism is a bold one, especially where, in the course of the same submissions, it was shown that modern legislation, and in particular the Act of 1967, have brought some sorts of building out of the Act of 1884. In my opinion the presumption is that, in making such alterations, Parliament intended to retain unaltered those parts of the Act of 1884 which were not touched, and in consequence they must be construed now as they were construed by the House of Lords in the *Paddington* case.

Accordingly, I hold that the proposed structure, the monument as a whole, would be a building within the meaning of that word in Section 3 of the Act of 1884. Consequently, I have no power to grant the faculty which the petitioners seek. For this reason, and also for the additional reasons which will appear shortly (see *Jacobs v. L.C.C.* [1950] A.C. 361), the petition will be dismissed.

Before coming to the other points in the case, I pause to note one matter which has caused me concern. During the first three days of the hearing of this case I was unaware of the former practice of this Court to notify the former London County Council of any applications concerned with a disused burial ground. This practice was mentioned by my predecessor in the *St. Nicholas Acons* case [1928] P. 102 at p. 104, and it appears to

have originated in 1904; see *L.C.C. v. Dundas* [1904] P. 16 at p. 1. It has been lost to view in the recent reform of the practice under the Faculty Jurisdiction Measure 1964, which abolished the local rules of particular Consistory Courts, and in the re-organisation of local government in London. The basis of the former practice was that the Metropolitan Board of Works (Various Powers) Act 1885 constituted that Board to be "the authority for preventing the violation of and for enforcing the due observance of the provisions of (the Act of 1884) within the metropolis". By other legislation those powers (with their concomitant duties) passed at one stage to the former London County Council. Soon after the third day's hearing, I discovered these facts, and I caused enquiries to be made of the Greater London Council. It was informed that the successor authority in respect of these matters is the Greater London Council itself, but that in Inner London the powers and duties have been delegated to the Borough Councils and to the Common Council of the City of London. Thus the original petitioner, the Borough Council, is itself the enforcement authority upon which the Court is normally entitled to rely to argue against the petition in those cases in which the Court needs assistance in deciding whether a proposed structure would or would not involve a breach of the Act of 1884. On the fourth day of the hearing Mr. Maurice informed me that the Borough Council is the enforcement authority, and he sought to pray that fact in aid in support of his submissions, to be noted later, upon the issue of discretion. I do not accept the relevance to those submissions of the fact that the Borough Council is the enforcement authority, and I shall say no more about that. But the Act of 1884 is not to be treated as an anachronism, and it would be wrong if, now that these matters have been aired, any of the enforcement authorities in this diocese were to be remiss in the exercise of its duties and powers of enforcement. Further, if one of these authorities itself petitions for relief which may be prohibited by the Act, its reasons for submitting that the Act does not apply should be stated in the petition. For my part, I propose to direct the Registry to notify the relevant enforcement authority of any petition in which a point under the Act seems likely to arise. I make no criticism of what has happened here. The Borough Council no doubt overlooked the point, as I did myself, and the Court has not been put to inconvenience, since the case against the petition has been fully argued by Miss Cameron on behalf of the Archdeacon.

It must almost necessarily follow from the conclusion which I have reached upon the Act of 1884 that the erection of this monument would be a breach of the trusts of the Open Spaces Act 1906 upon which the Borough Council holds this land. Anything that a person having the freehold does with reference to the open space must be calculated to further its enjoyment by the public as an open space. Thus the erection of a gardener's tool shed would obviously be legitimate. But none of the witnesses in this case suggested that this open space would be improved as an open space by the erection of this monument, or that the Borough Council ever thought that it would. Mr. Robinson said (page 161) that the monument was being erected "as a token of our regard for the Poles and for their war effort" and (page 165) "we were very near to their National Headquarters and very anxious to pay our tribute in this way". On the other hand the churchwarden, Mr. Edwards, said (page 332) that the monument was completely out of scale to the Gardens "unless the Gardens are to be considered only as a setting for the memorial" and (page 337) that this was one of the few public open spaces in the area, that people frequented it, "and I cannot think that this would in fact add to their comfort or pleasure when they go there". This observation appears to me to be amply justified. The Gardens are there to be enjoyed as gardens and not to be a receptacle for objects signifying that the Borough Council wishes to pay tribute to any person or section of the community.

I hold therefore that to put up such a monument would be a breach of trust.

As the third ground for my decision I now come to the issue of discretion. I must first deal with the submission of Mr. Maurice that the powers and duties of the Court are now "vestigial" and that a petition presented by the Borough Council ought to be granted "almost as of course". The basis of this submission is the contention, which I have already held to be misconceived, that there is so much which the Borough Council can do under the Act of 1967 without the authority of the Court that it would be idle for the Court to apply ordinary considerations to the few cases, of which this is one, where Mr. Maurice concedes that a faculty is still needed. Even if I had upheld the contention about the Act of 1967, I should still not have acceded to the consequential submission. For the legislature, in depriving the Court of some powers and duties, decided to leave the Court still invested with others. So those others should be exercised on established principles, unless and until the legislature provides otherwise. Accordingly, I reject the submission that this Court's powers and duties are vestigial and anything which is said to follow from that proposition. In this connection I recall the observations of Errington Ch. in *Re St. Dunstan's, Stepney* [1937] P. 199 at p. 203:

"Our country churchyards are, I think, the most beautiful in Europe, and our town churchyards, often thanks to the local authority, are now the best maintained. It is owing to their sacred character that they so long remain intact. . . . The Consistory Courts have long been recognised as the proper guardians of these sacred spaces."

That the Court's protection does serve a useful purpose, and that it would be unsafe to leave matters purely to the judgment of the local authority, is well shown by what occurred in this very case about the proposal to plant 23 pine trees. This proposal was included in the petition, but had to be withdrawn on the fourth day of the hearing as being indefensible, and indeed probably impracticable.

I approach the exercise of the discretion keeping clearly in view the question which the learned Deputy Auditor put to himself in *Re St. Mary's, Woodkirk* at page 196:

"What is the duty of the Church in this situation?"

Here we have a garden, described by Mr. FitzGibbon as "a pleasant, almost private type garden, a quiet place" and by Mr. Edwards as "a sort of oasis of quiet". It is clearly much enjoyed and appreciated by those who live round about, many of them in blocks of flats closely packed. It was for this purpose that the Church authorities made over the Gardens to the Vestry in 1888. In my judgment, the Gardens as they now are serve a purpose very useful to the community and the duty of the Church is to protect that useful purpose. I ought not to allow anything which would interfere, or tend to create interference, with the substantial facility to the public which these Gardens in their present condition afford.

The proposed monument is massive and I cannot recall ever having been asked for a faculty to authorise the introduction into a churchyard of anything like so large. Thus, even in an open churchyard, or in a closed churchyard which has not been cleared, there would be little chance of a petition of this kind succeeding. But in this case St. Luke's Gardens, as they now exist, are what they have become because the Court, in 1886, allowed most of the existing tombstones to be cleared away and arranged round the edges so as to produce a clear area

to be laid out with lawns and paths. An overwhelming case would have to be made for reversing this regime, and there is no such case because the witnesses all agree that the Gardens look very well as they are, that they are much used and appreciated by the public as they are, and that they serve a valuable public purpose. If this monument is now let in, there would be no reliable ground for excluding the next one which is proposed, especially if it were to a Chelsea worthy (or, if Mr. Maurice is right about the result of Kensington and Chelsea being joined for certain local government purposes, a Kensington worthy). Having allowed one monument, the Court would be driven to invidious distinctions to prevent the erection of others, and before long they could easily be enough to alter the Gardens radically, even if the present monument would not make a radical alteration in itself which in my opinion it would.

The victims of Katyn had no connection with Chelsea or with St. Luke's Parish. Mr. Maurice says that that does not matter because the Polish community has centres of organisations in South Kensington and a population there and in Earls Court, and that all these places are now grouped with Chelsea in an area throughout which the Borough Council exercises certain of the powers of local government. This recent association seems to me to have nothing to do with the present case. The trusts on which the Borough Council holds this land are the same as those upon which the former municipal authority held the land, save in so far as the trusts themselves have been altered by express enactment or by the necessary implication of some enactment. To change a trustee does not change a trust.

This is a burial ground, a cemetery, a place of rest and peace. It has been appropriated to the public for use as a garden. The symbolism of an obelisk may be a matter of personal taste, but I cannot ignore the view of the Advisory Committee, echoed in his evidence by the Archdeacon of Middlesex, that the significance of this obelisk is not restful, not consistent with the Church's ministry of reconciliation. However that may be, and I do not found my decision on the symbolism of the obelisk as such, it is in my judgment plain that this monument is intended to be political and to be politically controversial. It is true that, under the guidance of Mr. Maurice, the text of one part of the proposed inscription has been toned down from what was originally sought in the petition, and that that version was in its turn less abrasive than several of the forms of words proposed to the Borough Council by Mr. FitzGibbon (see exhibit 26). Mr. Maurice refused the invitation of Miss Cameron to substitute for the date "1940" (which in effect charges the Russians with the massacre) the words "during the Second World War" (which leaves it open who committed the massacre and makes no direct accusation). Mr. Maurice said in the speech in reply "1940 is essential". I make no finding of the truth or otherwise of the date "1940"; I intimated at the outset of the hearing that it would only be necessary to hear evidence on that matter if I decided to grant the petition. I should perhaps say that it would be difficult, according to English ideas of justice, to make a finding of guilt of this sort without giving those who are accused an opportunity to defend themselves. But in view of my decision that does not arise. For the present purpose the critical point is that the petitioners say "1940 is essential": that is, the monument is intended to make and to perpetuate in stone a specific accusation. In my judgment it is no part of the duty of the Courts of the Church of England to allow land under their jurisdiction to be used to advertise accusations of crime. I do not recall ever having been asked to sanction an inscription naming the murderer on the tombstone of a murdered person, and I should be most unwilling to allow any such thing in an ordinary churchyard. I do not think that the scale of the massacre makes any difference.

The declared purposes of the Memorial Committee in their appeal for funds include "to mark an event in history which so many have for so long conspired to erase" and to provide "a place where (people) may ponder upon man's inhumanity to man". Mr. Maurice said that the monument would comfort his clients and their supporters and this is in line with exhibit 11 which says "to bring some solace to the widows of these victims, their surviving relatives, brother officers and men". This last is an object which will endure only for a short time: the massacre was at least 30 years ago and those who are to be solaced must by now be of advancing age. The monument itself will be enduring, and if it is erected it will be there for many years to come, probably far into the next century. I do not think that it is part of the functions of the Church of England, acting through its Courts, to help to perpetuate bitter feelings in the years ahead. I do not think that it has ever been the Church's practice to do so. At least I am not aware of any churchyard monuments to any of the well-known massacres of atrocities, of which there have been all too many. We are enjoined to forgive our enemies.

The Honorary Secretary of the Memorial Committee apparently told the Borough Council (see exhibit 29) that the monument would become a place of pilgrimage. His remarks, or some similar ones on another occasion, were quoted by the Borough Engineer in his letter of 26th June, 1972 in exhibit 16. During his speech in reply, Mr. Maurice said that that sentence was written by the Borough Engineer without authority and that the Borough Council repudiated it. This seems to me to be hard on the Borough Engineer, who in the letter expressly said that he was quoting the Honorary Secretary, and the Honorary Secretary had in fact said precisely this as is shown by exhibit 29. I propose to deal with the case on the footing that the monument will become a place of pilgrimage if it is allowed to be erected and that substantial numbers of people, who would not otherwise come to St. Luke's Gardens at all, would in fact come to them. These Gardens now serve the public as a place of "exercise, ventilation, recreation and whatnot" in an area short of public open space and near some areas of dense population. To encourage the arrival of substantial numbers of people from outside Chelsea, who would not otherwise come at all, would at least not assist in the present useful purposes which the Gardens serve, even if the incumbent was wrong in the opinion which he expressed (page 170) that the result of putting up the monument would be to convert St. Luke's Gardens into a Katyn Memorial Garden. By this observation I understood him to mean not that the name would be changed, but that in fact the monument would so dominate the Gardens that people would come to think of it as the significant thing about this area of land rather than to think of the Gardens as gardens associated with St. Luke's Church. As to the matter of local public opinion, Mr. Maurice made much of the motion which was tabled in the House of Commons in June 1972 and to which nearly 200 signatures were appended. But that motion does not relate to St. Luke's Gardens at all. A monument anywhere in London would satisfy it. He also urged that the Borough Council in full Council had decided unanimously in favour of the monument being in St. Luke's Gardens. Mr. Thom told me that he was present when the relevant committee report came up for ratification and said that he was pleased that the Council was unanimous in approving it (pages 124, 125). But he said in cross-examination (pages 129, 130) that he had voted "without close detailed knowledge. That is the custom . . . it is customary for the Council, if it has confidence in the committees, to support their reports". I have no reason to suppose that Mr. Thom was exceptional in this attitude; that being so, little can be made of the unanimity of the Council. Mr. Thom said (page 125) that none of his constituents had spoken to him against the proposal but that he had heard "many encouraging and supporting remarks from



people I know". There is no evidence as to when these remarks were made or what those who made them knew of the specific proposal which is now before me. If they knew as little as the Parochial Church Council knew in 1972 and knew throughout most of 1973, this piece of evidence is of no value. On the other side there is the resolution of the Parochial Church Council (exhibit 17) passed during the hearing, and after the precise nature of the proposal in the petition was known. It can be said that the petition was later amended and that the removal of the pine trees could make some difference; but the pine trees are not referred to in this resolution. It can also be said that the feelings of the Parochial Church Council would have been more impressive if they had felt strongly enough to enter appearance in opposition. Perhaps this consideration detracts from the weight of exhibit 17; but not very much.

Finally there were the enquiries made by the churchwardens, the Bishop's officers, at my instance and particularly those of Mr. Edwards. The evidence of Colonel Large pointed in the same direction, but it has less weight because his enquiries were not so systematic as those of Mr. Edwards. I found the latter a convincing and reliable witness who has taken a lot of care to find out the state of opinion in an admittedly small area, namely St. Luke's Street. I reject utterly the submission of Mr. Maurice that the evidence of Mr. Edwards is in *pari materia* with the "memorials" and "petitions" with which Consistory Courts are often troubled and which were criticised recently by Goodman Ch. in *Re Christchurch Chislehurst* [1973] 1 W.L.R. 1317, following a decision of the Court of Arches much earlier. In the present case the evidence of Mr. Edwards shows that he made enquiries as a Bishop's officer: he is not in the least in the position of a person, on his own initiative, collecting signatures upon a memorial. The enquiries of Mr. Edwards were made pursuant to his duty and to my request, and all I need say is that I accept his evidence as far as it goes.

The result is that the Borough Council wants the monument, the Parochial Church Council does not, and there is no evidence remotely suggesting a local consensus in favour of having it. In a highly controversial matter, this is not sufficient to redress the strong balance against the proposal on the other grounds which I have endeavoured to state.

For these reasons, if I had held that I had power to grant the petition, I should in the exercise of my discretion have refused it.

The petition is therefore dismissed.

G. H. NEWSOM  
*Chancellor.*

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