



## Re St Luke, Chelsea [2024] ECC Lon 3

London Consistory Court: Etherington Ch, 22 April 2024  
[2024] ECC Lon 3

*Sculpture—public park—anonymity order*

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The petitioners proposed to erect a large sculpture of the head of Oscar Wilde by Sir Eduardo Paolozzi in a public park, which was subject to the faculty jurisdiction because it had once been a detached burial ground for St Luke's, Chelsea.

One person objected. He wished to remain anonymous; although he had not given a precise reason why, it appeared it was for fear of an online backlash. The court acceded to the request, noting that that would restrict the detail in which the objection could be analysed in the judgment. The objections were, broadly: inadequate consultation; aesthetics; the moral character of Wilde; the literary merits of Wilde's writing; damage to the public space; and the misuse of public funds by the local authority. The first four (and, to a degree, the fifth) were matters for the court; the last was not.

The first objection was not made out. As to aesthetics, the court acknowledged that the sculptor's work would divide opinion, but this was a substantial piece by a highly regarded artist. The court doubted whether the *Duffield* questions applied in the case of a former burial ground detached from the church; if they did, the court would unhesitatingly find no harm to the applicable significance of the area. As to Wilde's moral character, the court found the objection to be absurdly over-stated, but would say no more in deference to the objector's concern over publicity. As to Wilde's literary merit, the court noted that it was generally considered to be of much higher quality than the objector alleged. In any event, the proposal was primarily to honour the sculptor, who had lived and worked nearby, rather than the author. The issue concerning damage to the public space was more properly considered in the context of planning permission.

A faculty was granted. This was subject to planning permission, the court taking the opportunity to note that normally planning permission should be sought and obtained before a faculty was petitioned for.

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