

Re St Mary Magdalene, Richmond

Southwark Consistory Court: Petchey Ch, 21 June 2017

[2017] ECC Swk 7

Flooring

The petitioners sought permission for a number of alterations relating to the re-ordering of this Grade II* listed church. The justification for the re-ordering was the replacement of an old, inefficient and expensive heating system with underfloor heating, which required work to the existing floor, including the loss of red and black quarry tiles from the central nave aisle and the relocation of 34 ledger stones within the church building, and laying a new Purbeck limestone floor. The works provided the opportunity to replace the existing uncomfortable and inflexible seating with a mix of high-quality, movable benches made of oak in the nave and stackable chairs in the aisles. The main objection to the scheme was from the Victorian Society in relation to the quarry tiles. The Church Buildings Council (CBC) and Diocesan Advisory Committee (DAC) also expressed reservations as to whether the ledger stones should be reinstated in their existing positions or be moved elsewhere. The DAC explained its concerns by reference to William Morris' 1877 manifesto, an important principle of which was that the conservator conserves and does not restore or improve.

The chancellor noted that the petition was topical, in the light of the recent (February 2017) Historic Floors Guidance Note issued by the Society for the Protection of Ancient Buildings and the CBC. This guidance advocated a conservative approach to the treatment of floors in historic buildings: in other words, a hierarchical approach in which the options are, taken in order: conservative repair, minimal intervention, replacement. Considering the present proposals against this recent guidance and the guidelines in *Re St Alkmund, Duffield* [2013] Fam 158, the chancellor noted that the petitioners' justification for moving the ledger stones was primarily aesthetic, which he did not consider to provide a strong justification for their relocation. Nevertheless, since the harm caused by relocating them was not, in his judgment, great, it might be that in due course their relocation could be justified. As regards the replacement of the quarry tiles, the petitioners' justification was also essentially aesthetic but much stronger as it involved the replacement of a Victorian floor, not of intrinsically high quality, which, if retained, would look aesthetically incongruous, with a high-quality stone floor. Here he concluded that the strong presumption against adverse change was outweighed by the benefit accruing from change. Permission was granted for the works except that the ledger stones were to remain in their existing positions, save as regards the nave. [Jonathan Storey]

doi:10.1017/S0956618X1700134X