

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

**IN THE CONSISTORY COURT AT LINCOLN**

In the matter of St James, Louth

Judgment

1. This application is for a faculty to remove Victorian tiles at the west end of the Church leaving tiles around the font and down the side aisles in accordance with the drawings in the papers before me. The tiles are to be replaced with Cadeby limestone paving which was also laid some 20 years ago in the Nave. As I understand it the original tiles remain in the sanctuary and the chancel and there are no proposals for their removal.
2. St. James's, Louth, is a Grade 1 listed church rebuilt in the 15th century with a restoration in the 19th century by James Taylor of Louth. The church has an aisled nave with chancel and side chapels and a 'perfect Perpendicular steeple' according to Pevsner. An octagonal font and floor tiles were part of the Victorian reordering and that font is now at the west end of the nave. New work was done in the church in the 1980's to add a shop, cafe/kitchen and a choir vestry.
3. Some 20 years ago a faculty was granted to move worn Victorian floor tiles of the same type and laid at the same time, as those that are subject to this application. Those tiles were in the nave and they were replaced with Cadeby limestone paving. The Petitioner submits that what is now proposed is a completion of the scope of that project for which funds are still available now that the remaining tiles at the west end of the nave are now becoming very worn.
4. On 9 November 2017 Mr Walsh of HE wrote

The large area of tiles stretching across the aisles and nave between the north and south porches makes a positive contribution to the character and appearance of the interior of the church, particularly on entering the church from the south porch, albeit areas of the tiles are in poor or very poor condition. We understand that this is, in part, due to heavier wear and tear caused by staging events.

5. He goes on to state that the proposal

would have a detrimental impact on the significance and character of the church through the loss of this element of the 19th century restoration and the design and aesthetic intent of this work. We acknowledge that the replacement flooring proposed is itself of high quality and that areas of existing tiles are retained, around the font in particular. We advise that the proposed scheme requires justification and this rests on the condition of the existing tiles and whether or not reinstating tiles would be a practicable option. We recognise that St James's church is a key church in the area and frequently holds events for large numbers of

people as part of its mission and to ensure a sustainable future. We also understand that there are significant cost implications for the parish to reinstate tiles compared to the option of limestone flooring.

5. Mr Walsh also refers to the National Planning Policy Framework, the Planning Practice Guidance and Historic England advice 'New Work in Historic Places of Worship', section 2, page 7 which advises that proposed schemes

'take account of the spatial qualities and main architectural lines of the interior, the significance of individual fittings and the existing arrangement as a whole'.

He states that applicants for proposals such as these must justify their proposals and establishing whether the changes are essential or merely desirable.

6. The Victorian Society have entered an objection to the proposals on 16/12/17: Mr Hughes states that the font in its setting is a magnificent piece and

the surrounding tiles form an impressive, kaleidoscopic pavement of notable richness, and they contribute greatly to the font's setting. Together they should be considered an integrated and carefully considered ensemble, conceived by one of the nineteenth-century's most distinguished ecclesiastical architects. This is presumably why the tiles were retained when the rest of the nave was refloored previously.

7. The Reverend Nicholas Brown, the Petitioner, has replied to these points:

(i) the Faculty granted 20 years ago to replace the nave tiles with the Cadeby limestone was not limited to the nave out of principle, but because insufficient funds were available to replace all the tiles. According to the 1998 report provided to support the 1998 Faculty application, the tiles in the sanctuary and chancel were 'the finest encaustic tile that was available' but the tiles elsewhere in the church were 'cheaper quarry tiles that require attention'.

(ii) with increased community use of the church the tiles at the north end of the nave have become worn and in places mats have had to be laid to provide a safe walking surface. Areas have had to be roped off.

(iii) the respective costs of purchasing bespoke tiles to replace the north nave area would be £90,000, whereas the cost of paving the area with Cadeby limestone would be £30,000. Funding is available for this project from the same source that carried out the limestone paving of the nave.

(iv) original tiles would be kept around the font and in the side aisles where there is less traffic.

(v) by laying Cadeby limestone the flooring would be returning to how it would have appeared before the 19th century restoration.

8. The DAC have recommended this proposal to me with one proviso.

#### Determination

9. In Re St Alkmund, Duffield 1 October 2012 the Court of Arches set out the test to apply to any proposal in which a balancing of the need for the change has to be judged against the harm that would be caused to the building. Question 1 is whether the proposals would result in harm to the significance of the church as a building of special architectural (or historic) interest. The HE letter dated 9/11/17 states that the tiles in the north of the nave contribute to the significance of the church and make a 'positive contribution' to the interior of the church. The VS put it in terms of the setting for the font to which the tiling 'contributes greatly'.

10. It is clear therefore that to remove this tiling would cause harm to the special architectural interest of the building as part of the Taylor of Louth reordering in the 19th century.

11. The next question is: 'how serious would this harm be?'. In my judgement looking at the magnificence of the church as a whole, the harm would not be serious. I bear in mind the following:

(i) the nave tiles have already been removed and replaced with Cadeby limestone: there is therefore a contrasting floor treatment between the nave and the north of the nave which has come about because of funds not being available to complete the project 20 years ago

(ii) it is accepted by HE that many of the tiles in question are in poor condition or very poor condition. Areas have had to be protected by mats or roped off. I also note that the expert report received at the time of the original faculty 20 years ago drew a distinction between the quality of the tiles in the sanctuary and the chancel, and the tiles elsewhere.

(iii) the proposal will keep some tiles around the font (and down the side aisles).

12. Taking all these factors together and looking at the church as a whole, I do not regard the harm done by these proposals as serious harm to the significance of the church as being a building of special architectural interest.

13. A further question I must consider is: 'how clear and convincing is the justification for carrying out the proposals?' I am satisfied that the justification for these proposals is sound and I am persuaded by it. I accept that:

(i) the increased use of the church by the community has led (and will continue to lead) to increased wear and tear on the tiles leading to more roped off and matted

areas to the detriment of the presentation of the church as a place of welcome, as well as not being safe underfoot.

(ii) the cost of commissioning bespoke replacement tiling compared to the cost of the Cadeby limestone is very significant. Funds are available for the limestone but not for new bespoke tiles.

(iii) the old nave tiles have been used for the last 20 years to replace broken and worn tiles in the area in question. I am satisfied that this Faculty application is not made hastily without having considered a practical 'make do and mend' approach to replacing broken and worn tiles. I am satisfied that this approach is no longer a satisfactory option for the church particularly with increased community usage.

14. I recognise that there is a strong presumption against proposals which will adversely affect the special character of a listed building, particularly as here where the removal of the tiling is not reversible. However, I am satisfied that the resulting benefit in terms of a more robust flooring that is of high quality and matches the existing Cadeby limestone in the nave (with retained tiling around the font and down the aisles) outweighs the harm that will be done by removing the tiles.

15. I grant the Faculty on condition that:

(i) if any disarticulated human remains are uncovered and it is necessary to remove them for the works to proceed, they may be removed and reinterred elsewhere in the consecrated ground of this church or churchyard under the supervision of a priest.

(ii) a full photographic record of the existing tiling shall be made and made available in a display at the church

(iii) the tiles removed shall be stored in a secure place until further order.

(iv) no works are to begin unless the PCC hold the funds or have them pledged thereto

(v) the church insurers shall be notified of the works and any requirements they may have for the maintenance of the existing level of cover shall be met by the PCC before works begin.

The Revd and Worshipful Chancellor, HH Judge Mark Bishop.

16 June 2018.