

Neutral citation number: [2019] ECC Swk 4

IN THE CONSISTORY COURT OF THE DIOCESE OF SOUTHWARK

IN THE MATTER OF ST MARY’S CHURCH, BATTERSEA

AND IN THE MATTER OF A PETITION BY REVD CANON SIMON BUTLER, MR CHRIS MOXEY AND MRS DEBBIE APOSTOLIDES

JUDGMENT

1. This is the petition of the Revd Canon Simon Butler, Mr Chris Moxey and Mrs Debbie Apostolides, the Vicar and Churchwardens, respectively, of St Mary’s Church, Battersea. By it, they seek a faculty for the installation of a new lighting system to the church. Historic England and the local planning authority (the London Borough of Wandsworth) raised concerns about the proposals. Ultimately there was one outstanding issue. I think that it raises a point that is of more than just local interest and accordingly I am writing this short judgment. In so doing I shall set out only the material in the case which relates to that issue.
2. St Mary’s Church is an attractive Georgian building on an impressive site on the south bank of the River Thames. Designed by a local architect, Joseph Dixon, it is listed Grade I.
3. The existing lighting scheme involves the use of spotlights. Although no doubt “state of the art” when installed, the lighting it provides is not satisfactory¹. Some areas are not well lit and some areas suffer from glare. The old fashioned lights burn out comparatively frequently and are not easy to replace. Modern LED lamps are intrinsically more economical and require replacement less frequently.
4. A new scheme was developed by Bruce Kirk² of Light Perceptions Limited (“Light Perceptions”), a firm with great experience in this area. It was this scheme that became the subject of the petition.
5. Most of the proposed scheme was uncontroversial and indeed obviously beneficial. The relevant officer of the Conservation and Design Group of the local planning authority³ observed:

[The proposals] would be appropriate in principle and would not cause harm to any features of architectural or historic interest that the building possesses. The new lighting scheme would de-clutter the interior of the church and standardise the existing large number of different lighting fittings, which would improve the overall appearance. The new light fittings will also emit less heat, which is to be welcomed for fire safety reasons.

¹ I have not been told when it was installed but it is comparatively modern.

² Mr Kirk is a member of Southwark DAC and its lighting adviser. This fact attests to his standing and experience; needless to say, he played no part in the assessment of the scheme by the DAC.

³ Note that the Conservation and Design Group serves the London Boroughs of both Wandsworth and Richmond.

6. It did however involve the installation of recessed spotlights within the nave ceiling in front of the chancel arch⁴ and also above the Holy Table in the Lady Chapel in the South aisle. The phrase “recessed spotlights” may not immediately convey very much to a reader; what is being described is the sort of discrete inset light fitting that (no doubt on a smaller scale), one might find in a modern domestic kitchen or bathroom.
7. Both Historic England and Wandsworth LBC, although supportive of the ambition to relight the church, expressed the view that these fittings were incongruous and unsympathetic. I readily understood this concern⁵. There is nothing intrinsically objectionable to the sort of recessed lights that were proposed but they evidently do not belong to the eighteenth century. Pejoratively this could be described as an antiquarian concern (and thus not a general one) but in my judgment, it is not just antiquarians who would have found the effect jarring. The point was not met by pointing out that the installation of the lights would not involve the loss of any Georgian fabric (because the ceiling only dated from 1937 when it was restored after a fire). The 1937 ceiling replaced a Georgian ceiling which it sought to replicate, so in terms of appearance it did not matter whether the ceiling was modern or was original.
8. The point was not met, either, by pointing out that, in the scale of things, any harm would be comparatively modest; would certainly not be *serious* in terms of the fifth *Duffield* question⁶ (and would not be *substantial* in terms of the NPPF⁷). If it were possible, one would avoid **any** harm to a listed building.
9. Evidently the objection raised the question of whether there might be alternative ways of providing the required lighting without causing any harm; or causing a reduced level of harm. Accordingly I asked the Petitioners further to consider whether the recessed spotlights were necessary. I am grateful to them for their willingness to engage with this issue and for the further advice of Light Perceptions.
10. Light Perceptions identified four possible options, option 4 being the preferred option. It is unnecessary to describe the other options, which for a variety of reasons were considered to be less good than option 4; these reasons will be apparent to anyone who examines them. (The importance of the other options is that they generally demonstrate the care with which this matter has been considered; and, more particularly, convincingly demonstrate that there does not exist a better approach than that embodied in option 4). Option 4 involves the installation of four sets of five spotlights in the nave which will be mounted on “rafts” or slim panels suspended just below the ceiling. This creates a “shadow gap” between raft and ceiling. Each raft is secured through the ceiling to the metal frame structure above with just four slim (4mm) steel wires and a single 10 mm diameter hole for the electrical cable. Historic England and the local planning authority continue to consider that option 4 involves some harm to the historic building but they recognise

⁴ A visitor to the church will immediately appreciate the feature to which I am referring. The arch separates the sanctuary from the rest of the church and the choir stalls to the west of it. In architectural terms, the choir sit in the nave.

⁵ Although it has to be seen in the context that the DAC recommended the proposals to me; and the Georgian Group did not have a concern.

⁶ See paragraph 87 of *In re St Alkmund, Duffield* [2013] Fam 158. The Court of Arches recommends that proposals affecting listed buildings be assessed by reference to the answers to five pertinent questions therein set out.

⁷ See paragraph 194 of the National Planning Policy Framework. *Serious harm* in the fifth Duffield question may be a synonym for *substantial harm* in the NPPF (see paragraph 37 of *In re St John’s Church, Waterloo* [2019] ECC Swk 2).

option 4 as the “least worst option”⁸; they do not themselves suggest any other option or suggest that any other option exists.

11. Option 4 involves the introduction of spotlights on to an apparently Georgian ceiling which is currently plain. I agree with Historic England and the local planning authority that this involves a degree of harm to the building. I think however that the harm is not serious and is outweighed by the public benefit of having a generally good and particularly eco-friendly new lighting system in the church. It should not be overlooked that there is a heritage benefit to a listed building being well-lit: it will encourage use of the building and facilitate the appreciation of the building by visitors when they are inside it. The *Duffield* questions are thus satisfied. I note that the works are readily reversible, which also sounds in their favour (or removes what would otherwise be an objection to them). Arguably in purely aesthetic terms, the original proposals were preferable to what is now proposed; the advantage of the current proposals is that it is apparent that they are a modern addition to (and not a modification of) what is essentially Georgian fabric.
12. I have not mentioned the lighting of the Lady Chapel. Here the head height is so low that surface mounted spotlights would be intrusive. In this location it is appropriate that the original proposals should be adhered; harm is once again outweighed by public benefit.
13. In terms of process I should record that the Option 4 proposal was advertised as a modification to the petition as originally prayed. No-one objected. The DAC recommended the amended proposals; I have set out above the reservations of Historic England and the local planning authority.
14. Accordingly I direct that a faculty should issue. The final specification is to be agreed with the DAC (in the event of disagreement, the matter is to be referred back to the Court). The work is to be completed to the reasonable satisfaction of the Church’s Inspecting Architect.

PHILIP PETCHEY
Chancellor

23 July 2019

⁸ Historic England would not distinguish between what is proposed and the spotlights being fixed directly to the ceiling (one of the other three options).