

## Heritage Citation – Individual Place

**Heritage Place:** Heyington Gardens  
**Address:** 2 Theodore Court, Toorak

**HO Reference:** HO735  
**Citation status:** Final  
**Date Updated:** 24 October 2023  
**Year of Construction:** 1962

**Designer:** Dr. Ernest Fooks  
**Builder:** Unknown



Photograph of 2 Theodore Court (source: Extent Heritage, 2021).



Location and map extent of 2 Theodore Court, Toorak.

**Heritage Group:** Residential buildings  
**Heritage Type:** Flat

**Key Theme:** Building suburbs  
**Key Sub-theme:** Developing higher density living  
– developing apartment living

**Significance Level:** Local

**Recommendation:** Recommended for the Heritage Overlay as an individual place.

<b>Controls:</b>	<input type="checkbox"/> External paint colours	<input type="checkbox"/> Internal alterations	<input type="checkbox"/> Tree controls
	<input type="checkbox"/> Victorian Heritage Register	<input type="checkbox"/> Incorporated Plans	<input type="checkbox"/> Outbuildings and fences exemptions
	<input type="checkbox"/> Prohibited uses may be permitted	<input type="checkbox"/> Aboriginal Heritage Place	

## Statement of Significance

### *What is significant?*

The apartment block at 2 Theodore Court, Toorak, (otherwise known as Heyington Gardens), is significant. The built form, scale, fenestration and materiality of the Post-war Modernist apartment block is of local significance. The landscaping and later alterations and additions to the property are not significant.

### *How is it significant?*

Heyington Gardens is of historical, representative and aesthetic significance to the City of Stonnington.

### *Why is it significant?*

Heyington Gardens is historically significant to the City of Stonnington as a highly intact example of the historical growth in high-rise luxury apartment blocks in Toorak in the immediate post-war years. Prior to this, Toorak was characterised by remnant Victorian era estates that were subdivided and re-developed at the turn of the 20th century through to the interwar years. The widespread development of architect designed high-density apartments in the post-war era continued yet saw a shift in this subdivision trend. This phase of development not only altered the physical character of Toorak's streetscapes, but also changed the social make-up of the suburb by encouraging more single people to live within the area. (Criterion A)

Heyington Gardens is of representative significance to the City of Stonnington as a highly intact and notable example of a Post-war Modernist luxury apartment block, an idiom primarily defined by an emphasis on bold rectilinear forms, clean lines, large glass windows and a combination of traditional and modern materials. Key elements contributing to this significance at Heyington Gardens include the distinct rectilinear form and scale, innovative site planning producing a footprint comprising twelve elevations, the utilisation of brick masonry to great effect with fenestration and patterning composed of projecting bricks running the full height of the tower, the stepped flat roof form and penthouse balconies staggering the roof design and preventing bulk, as well as its visual prominence from Heyington Place established by its form, siting, height and setbacks. (Criterion D)

Heyington Gardens is aesthetically significant to the City of Stonnington as a highly intact and visually striking Post-war Modernist apartment block designed by European émigré modernist architect Dr. Ernest Fooks. Attributes contributing to the aesthetic significance of the site include the rectilinear form, stepped plan creating a unique triple fronted facade, dark brown and cream brick patterning running the full height of the tower, the projecting balconies seemingly unsupported with steel railings that add a sense of strength yet lightness, and the use of glazing on the building façade to avoid a heavy façade design. These features, along with its siting on a central court lot, combine to create a bold yet enduring architectural character. (Criterion E)

## HERCON Criteria Assessment

A	<i>Importance to the course, or pattern of our cultural or natural history</i>	Heyington Gardens is historically significant to the City of Stonnington as a highly intact example of the historical growth in high-rise luxury apartment blocks in Toorak in the immediate post-war years. Prior to this rise, Toorak was characterised by remnant Victorian era estates that were subdivided and re-developed at the turn of the 20th century through to the interwar years. The widespread development of architect designed high-density apartments in the post-war era continued yet saw a shift in this subdivision trend. This phase of development not only altered the physical character of Toorak's streetscapes, but also changed the social make-up of the suburb by encouraging more single people to live within the area.
B	<i>Possession of uncommon, rare or endangered aspects of our cultural or natural history</i>	This place does not meet this criterion.
C	<i>Potential to yield information that will contribute to an understanding of our cultural or natural history</i>	This place does not meet this criterion.
D	<i>Important in demonstrating the principal characteristics of a class of cultural or natural places or environments</i>	Heyington Gardens is of representative significance to the City of Stonnington as a highly intact and notable example of a Post-war Modernist luxury apartment block, an idiom primarily defined by an emphasis on bold rectilinear forms, clean lines, large glass windows and a combination of traditional and modern materials. Key elements contributing to this significance at Heyington Gardens include the distinct rectilinear form and scale, innovative site planning producing a footprint comprising twelve elevations, the utilisation of brick masonry to great effect with fenestration and patterning composed of projecting bricks running the full height of the tower, the stepped flat roof form and penthouse balconies staggering the roof design and preventing bulk, as well as its visual prominence from Heyington Place

		established by its form, sitting, height and setbacks.
E	<i>Importance in exhibiting particular aesthetic characteristics</i>	Heyington Gardens is aesthetically significant to the City of Stonnington as a highly intact and visually striking Post-war Modernist apartment block designed by European émigré modernist architect Dr. Ernest Fooks. Attributes contributing to the aesthetic significance of the site include the rectilinear form, stepped plan creating a unique triple fronted facade, dark brown and cream brick patterning running the full height of the tower, the projecting balconies seemingly unsupported with steel railings that add a sense of strength yet lightness, and the use of glazing on the building façade to avoid a heavy façade design. These features, along with its siting on a central court lot, combine to create a bold yet enduring architectural character.
F	<i>Importance in demonstrating a high degree of creative or technical achievement at a particular period</i>	This place does not meet this criterion.
G	<i>Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of the continuing and developing cultural traditions</i>	This place does not meet this criterion.
H	<i>Special association with the life or works of a person, or group of persons, of importance in our history.</i>	This place does not meet this criterion.

## Description

### • Physical Analysis

Heyington Gardens is a Post-war Modernist high-rise residential development designed by Dr. Ernest Fooks. The apartment houses thirteen units over five floors and features an undercroft carpark on the ground level. The brick structure employs bays demarcated by cream brick, dark brown brick and a roughcast rendered finish to create visual interest along the front façade. The bricks are laid in a stretcher bond.

The structure has a strong rectilinear form and a stepped plan creating a unique triple fronted façade. However, because of the stepped plan is set on an angle, the front façade reads double fronted when

viewed from the street. Additional visual interest is provided along the cream brick with extruded bricks forming diagonal patterns giving the façade a sense of movement.

The flat roof of the structure is clad with corrugated sheet metal and houses services and a plant room. The roof overhangs the stepped rear top level, which allows for a large open balcony. The upper-level units have since been altered to include glass balustrades and new varnished timber boxed eaves. The roof form and plant room are hidden behind the overhanging eaves.

The façade is dominated by grouped fenestration with aluminum framing. This consists of full-length glass windows opening onto a long balcony with a timber and white steel balustrade. The side balustrade walls and balcony ceilings are finished with a white roughcast render. Smaller fenestration groupings along the front façade and side elevations consist of sliding windows.

The undercroft car park is accessed from Theodore Court. The concrete paved driveway occupies most of the open ground level space with smaller rubble or concrete edged garden bed sections along the perimeter and street front of the property. The garden beds are heavily underplanted and includes some interspaced mature trees. The front entrance is set between the undercroft carpark and includes green, white and bronze coloured wall tiling and terrazzo flooring. The brass round entrance light fixtures and expressed lettering reading the building's name complement the green and bronze feature wall tiling. This entrance treatment while highly sympathetic is not original to the building, but rather a refurbishment undertaken in 2021 by the Melbourne design company Studiobird. These works cite restoration, refurbishment and inspiration, making it difficult to deduce whether this entrance treatment was refurbished to original design, or if it was undertaken to pay homage to architect Ernest Fooks. This design firm also undertook a complete interior renovation of one of the upper-storey apartments in Heyington Gardens, of which they state 'Ernest Fooks would be distressed' (Studiobird, 2016).

Heyington Court is a visually prominent Post-war Modern apartment block with a strong emphasis on materiality and form. Heyington Court is located at the end of the cul-de-sac on Theodore Court, which comprises a short street extending from the west of Heyington Place close to Heyington Railway Station. Heyington Court is currently used as a multi-dwelling residential apartment. It is considered to be in good condition. Aside from some alterations to the top level of the building and main entrance, the structure appears intact and would be considered to be of high integrity.

- [Alterations and Additions](#)

- Glass balustrade added to the top level.
- Boxed eaves refurbished.
- Air-conditioning units affixed to the external walls along the side elevations.
- Foyer and entrance treatment sympathetically renovated to include green, white and bronze wall tiling, terrazzo flooring and expressed lettering (2021).
- Interior renovation of upper storey units (2021).

## History

- **Historical Context**

For thousands of years preceding European colonialism, the area now known as Stonnington was the traditional home of the Woi wurrung and Boon wurrung people of the Eastern Kulin Nation. This environment would have provided Traditional Owners with access to pre-contact plains, grassy woodland, and floodplains on the banks of the Yarra River (Birrarung), Gardiners Creek (Kooyong Koot), and Hawksburn Creek (now channelised), in a rolling landscape on the northern shore of Port Phillip Bay. It is important to note that the rich cultural heritage of Traditional Owners in Stonnington did not end with colonialism—it has a rich presence to this day.

Following the establishment of Melbourne in 1835, squatter John Gardiner and many others like him sought out land in what would become present day Toorak and surrounds on account of its densely timbered landscape, undulating terrain and proximity to water. By 1840, crown land sales marked the area's transition to pastoral settlement, and later in 1851, with the purchase of land in Hawthorn by Thomas Herbert Power, the surrounding environments gradually became a place where the early merchant and squatter elite of Melbourne built their homesteads. In Toorak, this is best represented by the purchase of lot 26 by James Jackson, associate in Jackson, Rae & Co. soap and candle merchants. Jackson was described by politician William Westgarth as 'Melbourne's greatest merchant of this early time' (Forster 1999, 10). It is only fitting that his house, called Toorak House, would be the namesake of what would become arguably the most affluent suburb in Melbourne. Following the discovery of gold in the 1850s and the wealth this produced for ancillary trades, the Toorak area drew in Melbourne's newly wealthy. Today, over a century later, Toorak still has connotations of wealth and prestige as best represented in its history and built environment (Forster 1999, 5–26).

- **Post-war Residential Modernism in Toorak**

Combining luxury in architecture with modernist design, post-war residential modernism in Toorak existed at the nexus of local émigré consumption cultures and the emergent practices of European émigré architects. While Toorak's strong tradition of patronage by wealthy residents allowed for architectural experimentation in the modernist idiom amongst prominent architects like Roy Grounds and Robin Boyd from the late 1930s (Context 2009, 138), the arrival of both émigré architects and clients following the rise of 1930s anti-Semitism and World War II created a distinct modern design aesthetic that built upon and yet diversified existing trends.

In Toorak, this tended towards a combination of luxurious high-end eclecticism and European modernist design principles by the 1960s (Reeves 2016, 571). This was most readily evident in the works of Polish-born duo Holgar & Holgar. Their Toorak-based modernist designs were grand in scale and typified by palatial fittings and finishes. Designs like Naliandrah (1969) at 3 Glendye Court evoked an image of post-war opulence and grandeur in its luxuriant curves, terrazzo floors, and imported furnishing (Goad 1999, 14). Although arguably toned-down, this tendency towards luxury is also evident in local works by figures like Czech-born Ernest Fooks and Russian-born Anatol Kagan, who made use of lavish inbuilt European-influenced furnishings while extolling functionalism and minimalist forms, with Fooks arguing for variety, flexibility, and good craftsmanship in interiors as opposed to uniformity and formality. While many of these elements were rooted in European approaches to modernism, such high-end modernist eclecticism was undoubtedly inflected by the post-war aspirations of wealthy, often Jewish, diasporic clients who had settled in the elite suburb of Toorak. Taken together, this wave of émigré architects and



clients alike pioneered new approaches to residential modernism that fundamentally enriched and transformed the Anglocentric modernism that was being practiced within the municipality (Edquist 2019, 31).

- **Place History**

The land encompassing present day Heyington Gardens formerly comprised Lot 18 during the first 1840 Crown Land Sales. Situated along the desirable higher ground adjacent to the Yarra River, the area was immediately established as a desirable place for settlement (Context Pty Ltd 2009, 37). Claimed by the colony's upper classes, the area and its surrounds were well founded as a prestigious residential enclave of mansions on large estates. Accordingly, an 1905 MMBW map shows the mansions Kyelah, Ballark, Wybia and Ellamine occupying what would later become the Theodore Court roadway (MMBW 1905). However, rising labour costs after World War I ultimately made the cost of maintaining these estates prohibitive, precipitating a pattern of subdivision and residential development in Toorak from the 1920s that lasted well into the post-war years.

Heyington Gardens was constructed in 1962 to designs by Dr. Ernest Fooks following the creation of Theodore Court in the postwar period. While the development of purpose-built flats was widespread across the municipality during the 1920s, post-war population growth, along with a pro-development Prahran Council in the 1950s, saw its rapid expansion into the 1960s and 1970s (Context Pty Ltd 2009, 146). In Toorak, ongoing community backlash towards flats destroying the character of Toorak saw the employment of leading architects in apartment design. Closely tied to Toorak's strong culture of patronage, this dynamic paved the way for the ascendancy of European modernism in flat design and construction by émigré architects by the post-war period.

Born in Bratislava, Czechoslovakia as Ernst Leslie Fuchs, Fooks trained and worked as an architect in Vienna before moving to Melbourne, Australia, in 1939 following the rise of anti-Semitism (Pert and Goad 2016, 6-7). He subsequently established his own architectural practice in 1948 and became an influential proponent of European modernist design aesthetics typified by minimalism, flat roofs, full height windows and clean lines (Pert and Goad 2016, 6-7). Today, he is most noted for his post-war modernist flats and houses, including his own Fooks House (1964) at 32 Howitt Road, Caulfield North, included in the Victorian Heritage Register (H2191).

The erection of Heyington Gardens not only continued the trend of transforming Toorak's streetscapes via post-war era apartment development, but also reflected the need for higher density living by the 1960s period. Such changes certainly altered the suburb physically, but also transformed its social demographic by encouraging more single people to live in the area (Context Pty Ltd 2021, 145). Very few resources are available to establish a full history of Heyington Gardens. However, multiple units within Heyington Gardens have been advertised for sale and auction since its construction in 1962. Most notably, in 1979, the Penthouse was advertised in the Australian Jewish News, described as:

TOORAK – 2 THEODORE COURT: "PENTHOUSE AUCTION" – A most spacious and elaborately appointed fully airconditioned apartment with superb views. Auction: Wednesday 31<sup>st</sup> October 3:00pm. 3 large entertaining rooms open to wide sun balconies & garden area. Well fitted kitchen with breakfast area. Main bedroom, fitted dressing room & bathroom en-suite. 2 other bedrooms & 2<sup>nd</sup> bathroom. Laundry and garaging for 2 cars. Includes quality carpets, curtains, light fittings, B.I. bar fitments etc... (The Australian Jewish News 1979, 36).

A building card inspection in 1981 also indicates that alterations were made by builders E. and S. Johnson to a unit in the building owned by Castlebar Investments at a cost of \$18,000 (City of Prahran 1981). Several unsympathetic alterations were made to the entrance foyer in the 1990s. However, these changes were replaced with a sympathetic 'alteration in 2021 by the design studio Studiobird. The studio website cites restoration, refurbishment and inspiration, making it difficult to deduce whether this entrance treatment was refurbished to original design, or if it was undertaken to pay homage to architect Ernest Fooks. However, Studiobird also state on their website that, 'the design is the result of rigorous research via consultation with an architectural historian' (Studiobird 2021).

Heyington Gardens is still in use as a high-density luxury apartment block.

### Comparative Analysis

As the subject site is the only identified apartment block of its type and style attributed to Dr Fooks in Stonnington, an assessment against his low rise flats or single storey residential designs would be of limited value. However, there is one apartment block designed by Fooks and included on the Heritage Overlay within the City of Port Phillip municipality:

- **Flats, 29 Chapel Street, St Kilda (City of Port Phillip, contributory in HO6 St Kilda East Precinct).** The flats at 29 Chapel Street were designed by Dr. Ernest Fooks and constructed in 1962. The flats are comparable to Heyington Gardens as one of the few examples of Fooks' apartment designs protected by a municipal heritage overlay. Furthermore, the buildings share similar physical characteristics that are representative of Fooks' unique design identity. The key characteristics include the use of mixed brick masonry, deep eaves, and flat roof forms. Key differences can be recognised in the varying degrees of ornamentation, which whilst still represented at 29 Chapel Street is not of the same elaborate design detail represented at Heyington Gardens. With this, Heyington Gardens is a more visually striking and expressive example of Fooks' apartment designs.

Given the lack of comparable examples on Heritage Overlays by Fooks, this comparative analysis will also address other high rise apartment blocks in the municipality constructed in a similar style in the post-war years. Other comparable examples include:

- **Moonbria Flats, 68 Mathoura Road, Toorak (HO81; VHR nomination accepted)** The Moonbria Flats were designed by Roy Grounds and constructed in 1942. The Moonbria Flats and Heyington Gardens are aesthetically comparable as mid-century modern flat blocks within the municipality, sharing an emphasis on brick masonry, glazing and stepped roof forms. Both buildings are representative of the historical rise of high-density apartment living within Toorak during the mid-twentieth century. Key differences include height, with Heyington Gardens being taller than the Moonbria Flats, and ornamentation with Heyington utilising a higher degree of brick fenestration.
- **Clendon/Clendon Corner, 13-15 Clendon Road, Armadale (individually significant in HO130 Armadale Precinct).** The Clendon Corner flats, designed by Roy Grounds and constructed in 1940-41, are comparable to Heyington Gardens as a distinct example of a modernist flat block within the City of Stonnington. Both sites share similar window designs, with recessed floor to ceiling glazing, and are constructed of brick masonry. Key differences include the roof form, building footprint, siting, and scale. Clendon Corner is a double storey structure while Heyington Gardens is seven



stories. However, both sites are historically emblematic of modernist apartment development in Stonnington, as well as being aesthetically comparable for their minimal ornamentation.

As addressed above, Fooks' apartment designs are not well represented on any municipal heritage overlay, making a comparative analysis against his other works difficult. However, it is important to note that this difficulty is not reserved to Fooks' designs, but is indicative of a wider lack of representation of Post-war Modernist apartment blocks on municipal heritage overlays generally. Some of Fooks' private residential designs are represented on both local municipal heritage overlays and the Victorian Heritage Register, however due to their scale they have not been addressed in the above comparative analysis. The above sites by Roy Grounds are comparable as representing the gradual rise in architect designed high-rise apartment living in Toorak and serve as a precedent for Heyington Gardens' inclusion on the municipal Heritage Overlay.

## References

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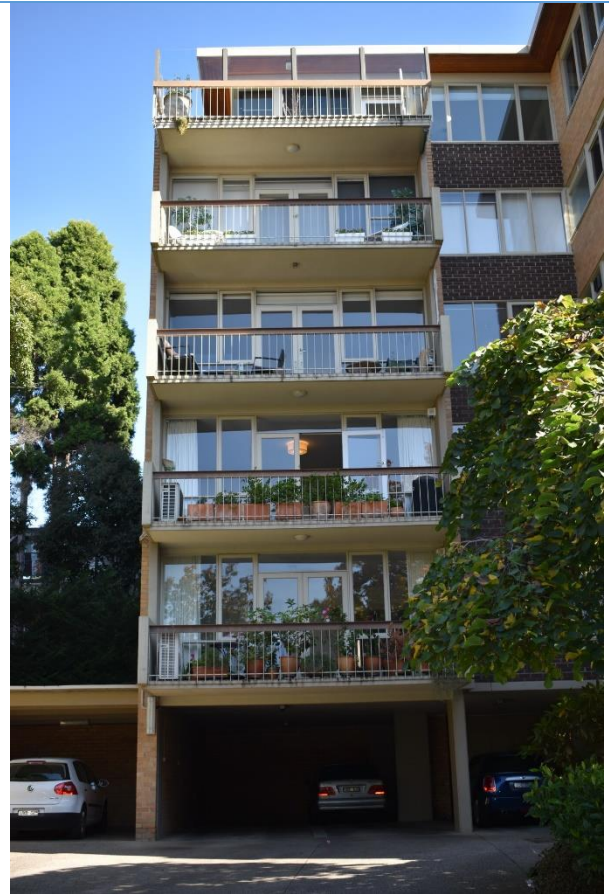
## Limitations

1. Access to all heritage places was limited to a visual inspection from the public domain. The interiors of buildings and inaccessible areas such as rear gardens were not accessed as part of this heritage study.
2. Condition and site modification assessment was limited to a visual inspection undertaken from the public domain.
3. The historical notes provided for this citation are not considered to be an exhaustive history of the site.

## Further Images



West facing view of Heyington Gardens from Theodore Court, Toorak (source: Extent Heritage Pty Ltd, 2021).



South-west facing view of façade and undercroft carpark (source: Extent Heritage Pty Ltd, 2021).





North-west facing view of Heyington Gardens (source: Extent Heritage Pty Ltd, 2021).



Detail view of upper level units (source: Extent Heritage Pty Ltd, 2021).



Detail view of altered upper level units with glass balustrades and varnished timber boxed eaves (source: Extent Heritage Pty Ltd, 2021).



Detail view of altered upper level units with glass balustrades and varnished timber boxed eaves (source: Extent Heritage Pty Ltd, 2021).



Detail view of the front entrance and lower level units (source: Extent Heritage Pty Ltd, 2021).



Detail view of the front entrance, altered to include green, white and bronze coloured tiling, expressed lettering and terrazzo flooring (source: Extent Heritage Pty Ltd, 2021).





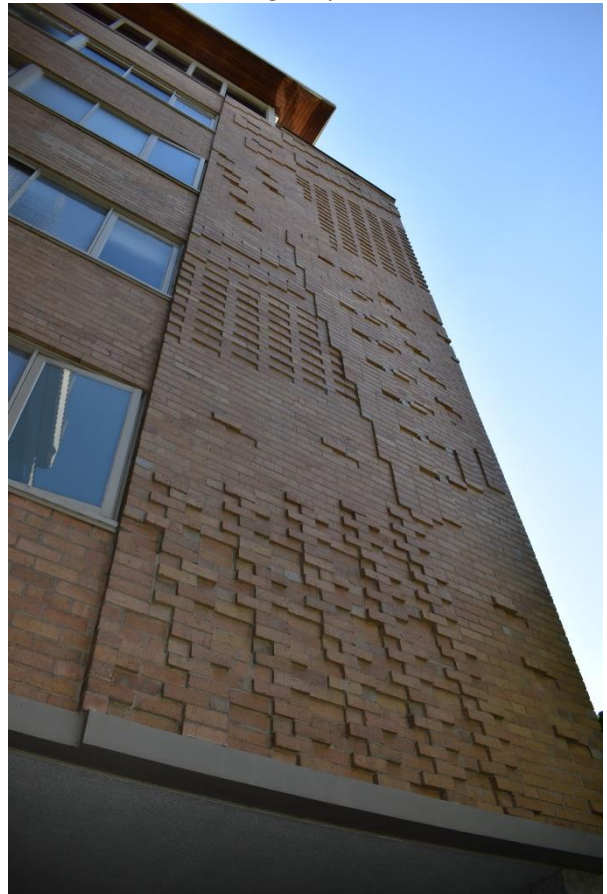
Detail of the front entrance and main entrance door (source: Extent Heritage Pty Ltd, 2021).



North-west facing view of the front entrance (source: Extent heritage Pty Ltd, 2021).



Detail view of fenestration (source: Extent Heritage Pty Ltd, 2021).



Detail view of brick masonry, comprising projecting bricks running the full height of the tower (source: Extent Heritage Pty Ltd, 2021).

## Authors

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**Quality assurance review conducted by:** Dr Luke James.