

Susan Dubberley

From: [REDACTED]
Sent: 07 October 2026 15:13
To: Susan Dubberley
Cc: Eric Owens
Subject: DM/25/3132:

Attn Susan Dubberley

Re: Marlow House, 107 High Street, Lindfield RH16 2HR
Application DM/26/1977 – Variation of Conditions 2(i) and 2(ii) of Listed Building Consent DM/25/3132
Historic England consultation response dated 30 September 2026

Thank you for providing Historic England's latest response.

I would be grateful if this email could be placed on the planning file and considered alongside the application and the supporting evidence.

Having carefully considered Historic England's response, I remain firmly of the view that the lower staircase should **not** be reinstated.

I fully recognise the historic importance of Marlow House and, importantly, I do not seek to diminish the significance of the historic staircase enclosure or the building's historic circulation pattern. My concern is much narrower: whether requiring the physical reconstruction of the lower flight between the ground and first floors is justified by the evidence, particularly in circumstances where the existing evidence demonstrates substantial alteration to that flight and where new professional advice has identified a significant safety and practical conflict with the basement access arrangement.

I respectfully submit that it has not.

1. Historic England itself accepts that the lower flight had been substantially altered or replaced

Historic England states in its latest letter that:

“Although the flight between the ground and first floor appears to have been altered or replaced during the late 20th century, its position remained as original and the enclosure survived.”

This is an important distinction.

Historic England's description does **not** establish that the existing lower flight constituted intact 17th-century historic fabric. Indeed, it expressly acknowledges that the flight appears to have been altered or replaced during the late 20th century.

The heritage significance identified by Historic England therefore appears to derive principally from the historic **position, enclosure and circulation arrangement**, rather than from the survival of an intact 17th-century staircase between the ground and first floors.

I do not dispute that significance.

However, it does not follow that reconstructing a modern staircase in that position is the only means by which that significance can be respected.

There is a fundamental difference between preserving surviving historic fabric and requiring the reconstruction of a feature which Historic England itself accepts had already been substantially altered or replaced.

That distinction should be given proper weight.

2. The health and safety evidence is new material consideration and should not be dismissed

Historic England questions why the safety issues were not identified before retrospective listed building consent DM/25/3132 was granted.

The answer is straightforward.

We did not appreciate the full implications of reinstating the staircase until we sought quotations and professional advice concerning the actual works required to carry out the reinstatement.

It was during the second half of July 2026, when the practical reinstatement works were being considered, that the implications became apparent.

The subsequent professional advice from Anthony Birch Health and Safety Services Ltd, together with the statement from Southern Construction dated 31 July 2026, records those concerns.

This is therefore not an attempt to revisit an issue which was knowingly considered and rejected at the time of DM/25/3132.

It is an application made because **new information became available when the approved works were being tendered**.

Planning and listed building decisions necessarily depend upon the information available at the time they are made. Where subsequent professional assessment identifies a significant and previously unrecognised safety conflict, it is entirely appropriate for that evidence to be considered.

3. The contractor's evidence identifies a genuine physical conflict, not simply a preference for retaining the hatch

Historic England places considerable reliance on the fact that DM/25/3132 contemplated an alternative basement access arrangement through a doorway within the reconstructed staircase enclosure.

That point does not, however, answer the practical problem identified by the contractor.

The issue is not simply whether another theoretical means of accessing the basement can be drawn on a plan.

The issue is whether the approved staircase and enclosure can actually be reconstructed safely and practically, taking account of the physical relationship between the staircase, the cellar opening, the required guarding and the means of accessing the basement.

The contractor has identified a conflict between reinstating the staircase over the existing cellar access and maintaining safe and usable access to the cellar, hence the fact a Health and Safety report was submitted.

The fact that an alternative arrangement was shown on the approved drawings does not demonstrate that the arrangement can safely and reasonably be constructed in the building as it now exists.

This is precisely why professional advice was obtained before attempting the works.

4. It would be wrong to characterise the present hatch simply as an unauthorised alternative which can be disregarded

Historic England repeatedly states that the existing cellar hatch was not approved by DM/25/3132.

However, that does not resolve the question before the authority under the current Health and Safety reports submitted

The purpose of the present application is to consider whether the conditions requiring the previous arrangement should continue to be enforced when subsequent professional evidence demonstrates that the arrangement creates significant practical and safety difficulties.

The existence of an existing hatch does not, in itself, determine the outcome of this application.

The relevant question is whether the proposed retention of a properly secured basement access arrangement represents a reasonable and safe alternative to reconstructing the lower staircase and enclosure in circumstances where the reinstatement works themselves give rise to the identified risks.

I respectfully submit that it does.

5. The heritage benefit must be weighed against the identified harm and practical consequences as highlighted in the current Health and Safety reports submitted

There is no dispute that the building's historic significance should be respected.

Rather, the proposal seeks to retain a safe and practical basement access arrangement. The safety and access conflict identified by the professionals involved in the proposed guidance of the Health and Safety report submitted;

- a) Historic England's own acknowledgement that the flight had been altered or replaced
- b) the safety concerns identified by the Health and Safety Officer;
- c) the concerns raised by the building contractor;
- d) the implications for safe basement access; and
- e) the fact that the proposed alternative retains a safe and usable means of accessing the basement.

In my respectful submission, that balance does not justify insisting upon reconstruction.

6. The position is particularly important because the application concerns a condition, not a new proposal to alter the historic building

The application is not proposing a new intervention which would otherwise have been carried out.

It seeks to vary conditions attached to a retrospective consent in circumstances where the practical implications of complying with those conditions have subsequently become apparent.

The purpose of the condition was to secure a heritage benefit.

The authority must now consider whether requiring the reconstruction of the lower staircase remains justified when the evidence demonstrates that achieving that benefit creates a significant practical and safety problem, which has been Highlighted by the Health and safety report submitted

A planning condition should not be maintained simply because it was previously imposed if subsequent evidence demonstrates that compliance is unreasonable or unsafe.

7. The June Planning Committee discussion is also relevant

I would also ask that the Officer and the Council take account of the discussion at the June Planning Committee meeting.

During that meeting, Members raised concerns about the requirement to reinstate the lower staircase and questioned the basis and practicality of that requirement.

These concerns are significant because they demonstrate that the issue was not viewed as straightforward even before the additional professional evidence concerning the practical construction and safety implications became available.

The subsequent evidence of the Health and Safety reports strengthens these concerns rather than weakening them.

Had the concerns raised by Members resulted in removal of this requirement at that stage, this further application would not have been necessary.

8. Historic England's reference to HE4(2)

Historic England concludes that the proposal does not provide the “clear and convincing justification” required under paragraph HE4(2) of the NPPF.

I respectfully submit that the new professional evidence does provide such justification.

It is based upon the practical and safety implications of actually carrying out the required reconstruction, supported by professional advice obtained when the works were being prepared for implementation hence the Health and Safety report being submitted.

That evidence should be assessed on its substance rather than discounted because the issue was not identified before the retrospective consent was granted.

9. Conclusion

I fully accept that Marlow House is an important listed building and that its historic development and circulation pattern should be respected.

Historic England itself acknowledges that the lower flight had been altered or replaced during the late 20th century. The principal surviving significance therefore relates to its historic position, enclosure and contribution to understanding the building's development.

The new professional evidence demonstrates that reinstatement creates a serious practical and safety conflict with basement access. That evidence was not available when DM/25/3132 was granted and only became apparent when the works were being investigated and quotations obtained hence the Health and Safety report being submitted

It would, in my respectful view, be disproportionate to insist upon reconstruction where:

- (a) Independent professional health and safety advice identifies genuine risks associated with reinstatement;
- (b) the contractor has identified a physical conflict between the proposed staircase and safe basement access;
- (c) a compliant safe and secure alternative basement access arrangement is in place;
- (d) Members of the planning committee have also acknowledged concerns regarding practicability and safety and
- (e) The condition provides no identifiable heritage benefit and would result in an unsafe and impractical arrangement.

I therefore respectfully ask the Council to give substantial weight to the new evidence of the Health and Safety report submitted and to **remove the requirement for reinstatement of the lower staircase and associated enclosure/access arrangement under conditions 2(i) and 2(ii).**

This is not an attempt to disregard the historic importance of Marlow House. It is a carefully defined request that the requirement to reconstruct one particular feature is reconsidered in light of the actual surviving fabric, the practical realities of the building and the professional safety evidence of the Health and Safety report now available.

In my view, the evidence provides a clear and convincing justification for doing so.

I would be grateful if this response could be placed on the planning file and provided to Historic England and, if necessary, to the Officer for consideration.