

Report to London Advisory Committee on Heritage

To: Chair and Members
London Advisory Committee on Heritage
From: John M. Fleming
Managing Director, Planning and City Planner
Subject: Heritage Alteration Permit Application
By: David Russell
529 Princess Avenue – By-law No. L.S.P.-3104-15
Meeting on: Wednesday May 9, 2018

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the application made under Section 33 of the *Ontario Heritage Act* to erect a new porch on the property located at 529 Princess Avenue (designated under Part IV of the *Ontario Heritage Act* by By-law No. L.S.P.-3014-15), consent **BE GIVEN** as proposed in the drawings attached as Appendix D, subject to the following terms and conditions:

- (a) The Heritage Planner be circulated on the applicant's Building Permit application drawings to verify compliance with the submitted design prior to issuance of the Building Permit;
- (b) Stringer ends and risers be enclosed on both sets of porch stairs;
- (c) All exposed wood be painted; and,
- (d) The Heritage Alteration Permit be displayed in a location visible from the street until the work is completed.

Executive Summary

Summary of Request

The property at 529 Princess Avenue was altered without obtaining Heritage Alteration Permit approval. It is designated under Part IV of the *Ontario Heritage Act* by By-law No. LSP-3014-15. Heritage Planning staff is seeking consent from Municipal Council for a Heritage Alteration Permit to bring into compliance the removal of the existing front entrance stairs, and to allow the construction of a new front porch which will conserve the Cultural Heritage Value or Interest of this property – in accordance with Section 33 of the *Ontario Heritage Act*.

Purpose and the Effect of Recommended Action

529 Princess Avenue is designated under Part IV of the *Ontario Heritage Act*. In accordance with Section 33 of the *Ontario Heritage Act* — a heritage alteration permit is required for the alteration of any part of the property if the alteration is likely to affect the property's heritage attributes; attributes are set out in the by-law designating the property. The purpose and effect of the recommended action is to ensure that a Heritage Alteration Permit is obtained for removal of the existing front entrance stairs, and to permit the construction of a new porch at 529 Princess Avenue; this action will conserve the Cultural Heritage Value or Interest of this property – in accordance with Section 33 of the *Ontario Heritage Act*. Terms and conditions are attached to ensure compliance with Section 33 of the *Ontario Heritage Act*. The applicant cannot obtain a Building Permit from the Chief Building Official under the Building Code Act without an approved Heritage Alteration Permit.

Rationale of Recommended Action

Unapproved alterations to the existing front entrance stairs are not compliant with Section 33 of the *Ontario Heritage Act*. The proposed new porch demonstrates that heritage attributes that contribute to the Cultural Heritage Value or Interest of 529

Princess Avenue will be conserved; consent should be given for its construction with Terms and Conditions.

Analysis

1.0 Background

1.1 Property Location

The property at 529 Princess Avenue is a corner property located on the south side of Princess Avenue, at the corner of Princess Avenue and William Street (Appendix A).

1.2 Cultural Heritage Status

The property at 529 Princess Avenue was designated on December 6, 1990, under Part IV of the *Ontario Heritage Act* by By-law L.S.P.-3104-15. The property is also located in the East Woodfield Heritage Conservation District (designated, May 6, 1993). The property's heritage status, however, is established by its Part IV designation.

Properties in a HCD designated individually under section 29, will continue to be governed by the Part IV provisions respecting alterations, demolition or removal of structures, if the HCD was designated before the 2005 amendments to the act and if the municipality has not adopted a HCD plan in accordance with the requirements of section 41.1 of the act (*HCD – Ontario Heritage Tool Kit*, p33).

1.3 Description

Constructed in 1880, the dwelling at 529 Princess Avenue is a 2 ½ -storey white brick house in the Italianate style with a side hall plan (Appendix B). Important historical associations relate to the property originally being part of Dr. John Salter's (1802-1881) estate, a surgeon to the British Garrison during the Rebellion of 1837 and one of London's first dentists. Significant architectural attributes identified in the Reasons for Designation include much of the centre, front gable with decorative bargeboard and frieze with paired brackets, detailed stone keystones and ornate double front doors and chimneys and original, functioning exterior shutters. The interior of the house includes additional attributes such as marble fireplaces, ceiling medallions, panelled wall and ceilings, and a staircase in cherry wood.

From site inspection on April 18, 2018 and archival photo-evidence (Image 3, Appendix B), there is some indication that there may have been a previous covered porch that adorned the front façade of the dwelling. Heritage Staff has been unable to confirm its existence, but discoloration of the brick shown in Image 3 indicates that a full width porch could have existed.

2.0 Legislative/Policy Framework

The *Provincial Policy Statement* (2014) states that "significant built heritage resources and significant cultural heritage landscapes shall be conserved." The *Official Plan* (1989, as amended)/*The London Plan* (approved 2016) provides policies that cultural heritage resources will be conserved and protected.

2.1 Ontario Heritage Act

A Heritage Alteration Permit is required to make alterations to a property designated under Part IV of the *Ontario Heritage Act* as per Section 33(1) if alterations are likely to affect the property's heritage attributes.

No owner of property designated under section 29 shall alter the property or permit the alteration of the property if the alteration is likely to affect the property's heritage attributes, as set out in the description of the property's heritage attributes that was required to be served and registered under subsection 29 (6) or (14), as the case may be, unless the owner applies to the council of the municipality in which the property is situate and receives consent in writing to the alteration. 2002, c. 18, Sched. F, s. 2 (16); 2005, c. 6, s. 21 (1).

The *Ontario Heritage Act* enables municipalities to give the applicant:

- a) The permit applied for;
- b) Notice that the council is refusing the application for the permit; or,
- c) The permit applied for, with terms and conditions attached (Section 33(4), *Ontario Heritage Act*).

Municipal Council must respond within 90 days after receipt of a demolition request and/or Heritage Alteration Permit application (Section 33(4), *Ontario Heritage Act*).

2.2 529 Princess Avenue – Designating By-Law L.S.P.-3104-15, Dec. 6, 1990

Heritage Alteration Permit approval is required under Section 33(1) of the *Ontario Heritage Act* for the alteration of any part of the property if the alteration is likely to affect the property's heritage attributes; attributes are set out in the by-law designating the property. The Designating By-law for 529 Princess Avenue (L.S.P.-3104-15) specifically refers to features that are likely to be impacted by the construction of the proposed new porch such as: compatibility of porch design with the overall Italianate styling of the dwelling; preservation of existing decorative stone keystones above the front windows; and, the compatibility of porch detailing with original details such as bargeboard millwork on the front and east side gables.

3.0 Heritage Alteration Permit Application

3.1 Heritage Alteration Permit application

Unapproved removal of the existing front entrance stairs at 529 Princess Avenue was made before February 13, 2018. A complaint from the community brought this unapproved alteration to the attention of the City, and enforcement action ensued. As required by the *Ontario Heritage Act*, Heritage Alteration Permit approval is required for the construction of the proposed new front porch and to bring into compliance, the unapproved removal of the existing front entrance steps.

A Heritage Alteration Permit application was submitted by the property owner and received on March 12, 2018. The property owner has applied for a Heritage Alteration Permit to:

- Bring into compliance – with the *Ontario Heritage Act* – removal of the existing front entrance steps.
- New porch based on submitted drawings in Appendix D:
 - Constructed of wood extending across the full front of the façade and wrapping the corner with a porch turret;
 - Wood decking;
 - Asphalt shingles;
 - Composite structural columns;
 - Wood spindles and rail;
 - Wood skirting;
 - Shingle detailing on 2nd –tier of turret roof; and,
 - Finials and gable end millwork.

Per Section 33(4) of the *Ontario Heritage Act*, the 90-day timeline for the Heritage Alteration Permit application will expire on June 10, 2018.

4.0 Analysis

4.1 Heritage Alteration Permit

Although the removal of the existing front entrance stairs was completed without Heritage Alteration Permit approval, it has been the intention of the applicant to replace the steps that were constructed temporarily with a full wrap around porch (Image 2, Appendix B) that will conserve the Cultural Heritage Value or Interest of this property. This has been achieved through precedence and compatibility in form and detail reflected in the new porch design.

No historic documentation has been found to accurately identify precedence or the 'authentic limits' for the construction of a new porch; however, based on discolouration on the front façade, it is quite likely that some form of porch previously existed across the front. The overall form for the new porch (a wrap around style with a 'porch turret') draws inspiration from the property's corner location and expansive landscaped grounds. The positioning of the porch preserves the existing decorative stone keystones above the front windows. Decorative porch details are somewhat restrained, noting that later revisions to the porch design indicate the removal of finials and bargeboard millwork on the street facing gable to be more reflective of Italianate styling. Limited use of shingling on the second tier of the porch turret references Queen Anne style details found on the east facing gable of the dwelling. A thirty-two inch (32") porch rail height

affords simple, legible and uncluttered lines, limiting the potential visual impact of excessive balustrade heights on the heritage property. The porch deck is less than 24” above grade; there is no requirement for a railing under the Ontario Building Code (OBC) so the 32” rail height is more than compliant with the OBC.

5.0 Conclusion

The existing front entrance stairs at 529 Princess Avenue were removed without a Building Permit or a Heritage Alteration Permit. It is recommended that consent be given to the construction of the proposed new porch which will conserve the Cultural Heritage Value or Interest of this property, and bring into compliance (with Section 33 of the *Ontario Heritage Act*) unapproved alterations previously undertaken.

Prepared by:	Laura E. Dent, M.Arch, PhD, MCIP, RPP Heritage Planner
Submitted by:	Gregg Barrett, AICP Manager, Long Range Planning and Research
Recommended by:	John M. Fleming, MCIP, RPP Managing Director, Planning and City Planner

LED/

\\FILE2\users-z\pdp\Shared\policy\HERITAGE\Heritage Alteration Permit Reports\Princess Avenue, 529\HAP18-014-L\2018-05-09_LACH_HAP18-014-L.docx

Sources

- City of London. Property file: 529 Princess Avenue.
- *Heritage Conservation Districts – Ontario Tool Kit*. Ministry of Culture, Queen’s Printer for Ontario, 2006.

Appendix A – Maps

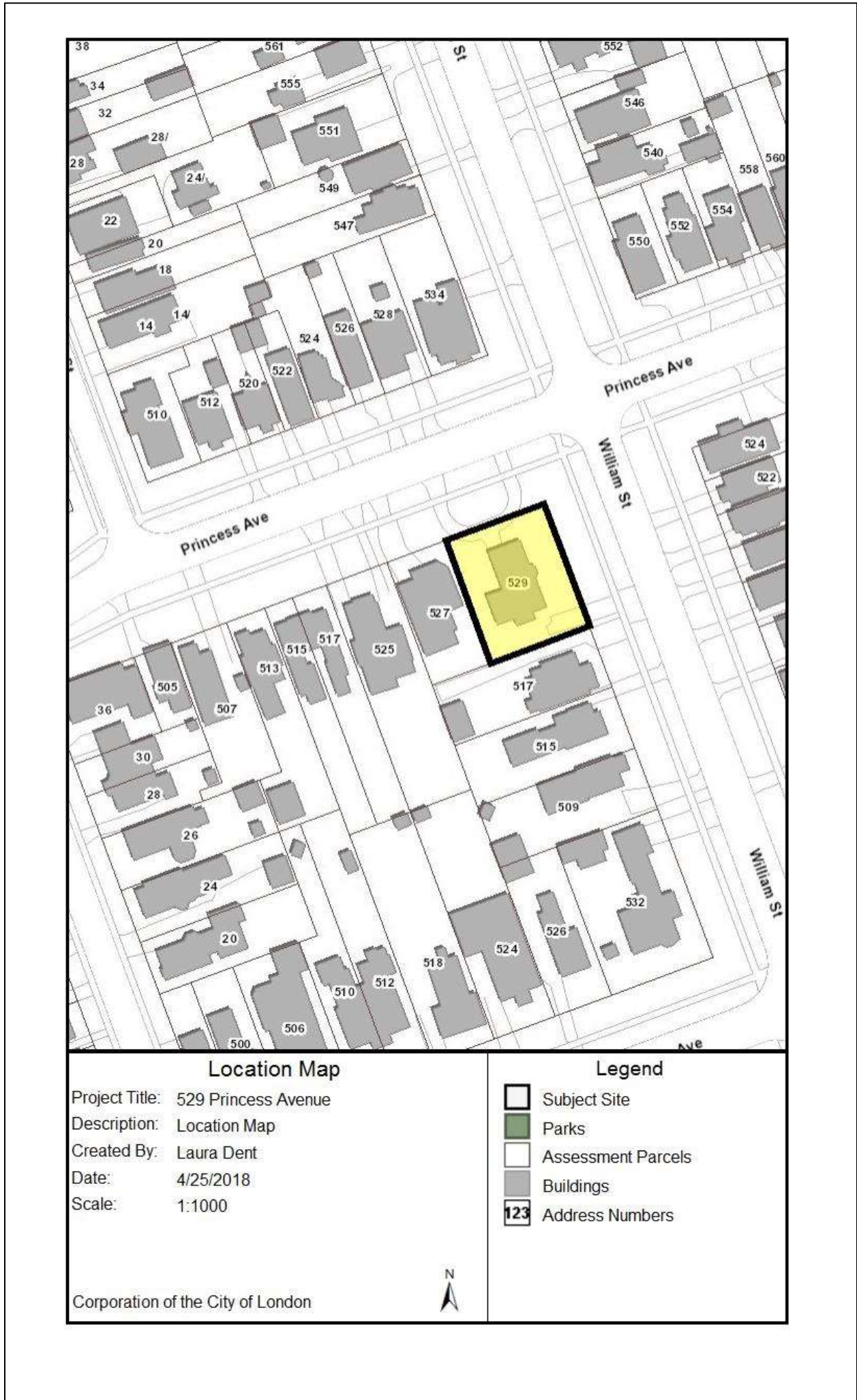


Figure 1: Property location at 529 Princess Avenue

Appendix B – Images



Image 1: View of front (north) façade of dwelling located at 529 Princess Avenue



Image 2: View of non-conforming front entrance steps temporarily constructed



Image 3: View of front (north) façade of dwelling showing past entrance enclosure and steps; note discoloration line indicating possible previous porch extending across the façade (precise date of photo unknown; before 1990)



Image 4: View of east elevation at 529 Princess Street; note detailed side gable

Appendix C – Designating By-Law L.S.P.-3104-15, December 6, 1990

SCHEDULE "A"

To By-law No. L.S.P.-3104-15

Part of Lots numbers twenty-six (26) and twenty-seven (27) and twenty-eight (28) on the west side of William Street according to Registered Plan Number one hundred and seventy-seven (177) in the City of London and County of Middlesex, more particularly described as Part one (1) according to deposited plan 33R-5554.

SCHEDULE "B"

To By-law No. L.S.P.-3104-15

The exterior of 529 Princess Avenue is a fine example of Italianate architecture. Built in 1880 for Dr. John Salter, this two and half storey, white brick house possesses many fine Italianate features. The house is an important contributor to the streetscape 527, 529, 534 Princess Avenue.

Historical Reasons

Dr. John Salter (1802-1881) came to London as a apothecary in 1835 and opened a shop on Ridout Street and later Clarence and Dundas. He was surgeon to the British Garrison during the Rebellion of 1837 and one of London's first dentists. Dr. Salter was also editor of The London Times, a conservative newspaper. Under Salter's editorship the paper continually expressed opposition to capital punishment and debtors' prison, and his influence contributed to the legislative changes in the 1850s.

Originally Salter's estate, registered in 1854, encompassed a large area including much of the Western Fair grounds, then called "Salter's Grove" a remnant of the Carolinian forest which also held huge oak and pine trees. Prospect Avenue was initially named Salter Street. The house was acquired by Maxwell D. Fraser in 1884. Fraser was a partner in the prominent law firm of Fraser and Fraser. Maxwell Fraser was a professor of Law at the University of Western Ontario and a noted barrister and solicitor. Fraser owned much land in North London, and Harrison Avenue was named after his son. The house was passed to his son Harrison Fraser who was also a barrister and solicitor in the family firm. Harrison spent his winters at 529 Princess and his summers at "Park Farm" on Meadowlily Road until his death in 1981. "Park Farm" was left to the City.

Architectural Reasons

The original portion of the house is in an Italianate style with a side hall plan. There is a centre Gothic gable with a decorative bargeboard over a projecting central bay. The house features a frieze with paired brackets, detailed stone keystones and attractive double doors and attractive chimneys. All shutters are original and still functional. The slate shingles on the roof are from Scotland. A significant renovation around 1900 resulted in a substantial addition to the back of the building. This latter addition imitates many Italianate features of the earlier house. The presence of two large Queen Anne Gables indicates its later period.

The interior of the house includes many fine elements. The living room features a white marble fireplace, ceiling medallion and cornice with picture rail as well as panelling under the windows. A very large square arch with original bi-folding doors separates the living room and the original dining room now a library. The pine doors into these two rooms from the hall are three panelled. The library features large built-in wood book shelves with glass doors, mirror and fireplace on the south wall which were part of the 1900 addition and an impressive bay window on the east side. The present dining room, part of the 1900 addition, has panelled ceiling, attractive fireplace and light fixtures in both centre of the room and in the adjacent alcove. The front hall is of interest with its plaster arch with centre masks and the panelled front door with bevelled glass panes in a floral design. The staircase with its cherrywood balustrade and spindles and panelling is impressive. On the second floor there is a white marble fireplace and archway with plaster moulding in a grape bunch motif in the north bedroom. As well there is an Eastlake fireplace in the southeast bedroom with tiles showing scenes from Shakespearean plays and a patterned blue and brown tiled fireplace in the bedroom in the bay window.

Throughout the house there are original baseboards with window and door surrounds.

Appendix D – Drawings

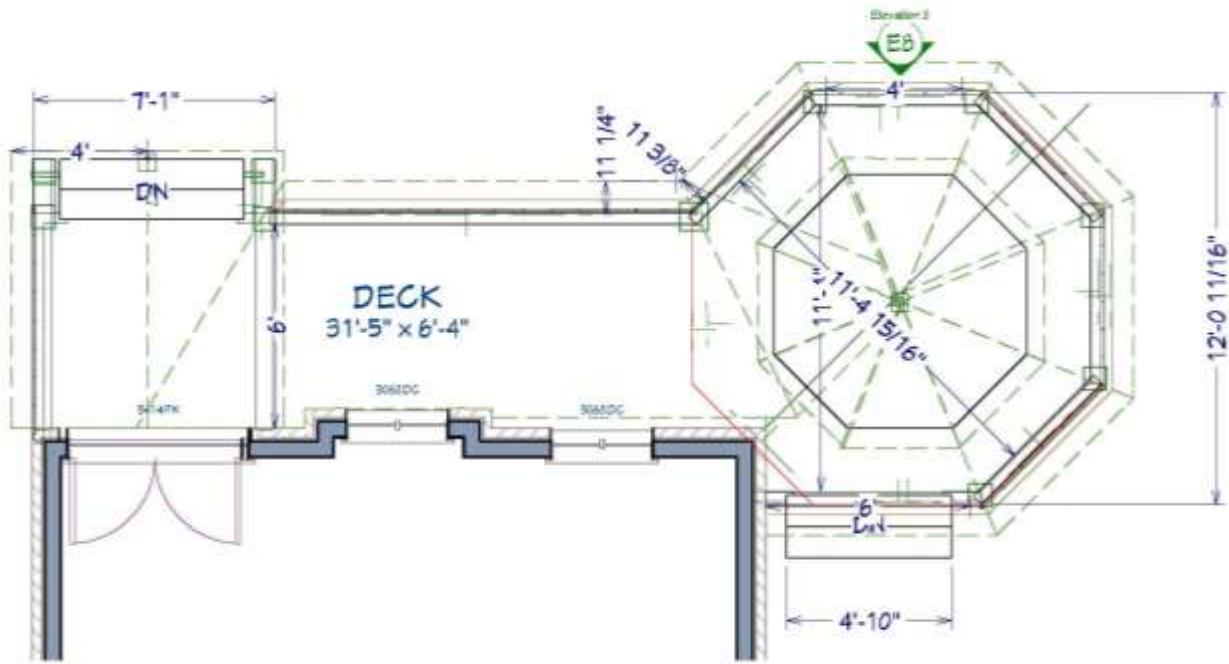


Figure 2: Architectural plan drawing of new porch at 529 Princess Avenue

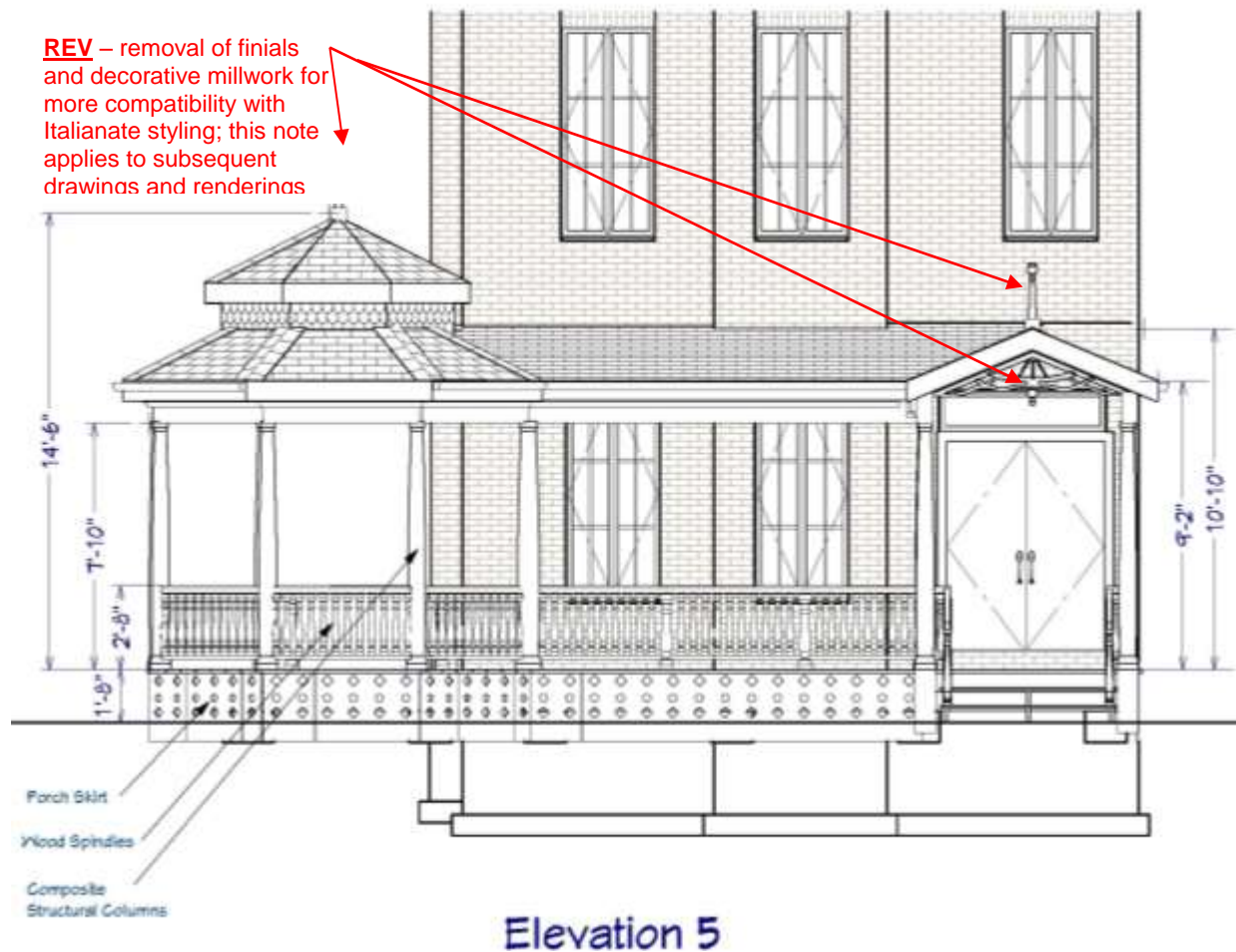


Figure 3: Architectural elevation drawing of new porch (north façade)



Figure 4: Architectural rendering of elevation of new porch (north façade)



Figure 5: Architectural rendering of corner feature of new porch (west view)



Figure 6: Architectural rendering of corner feature of new porch (west view)



Figure 7: Architectural rendering of new porch expansion (north-east view)