

Report to London Advisory Committee on Heritage

To: Chair and Members
London Advisory Committee on Heritage
From: John M. Fleming
Managing Director, City Planning and City Planner
Subject: Heritage Alteration Permit Application by D. Russell at 529
Princess Avenue, By-law No. L.S.P.-3104-15
Meeting on: Wednesday August 14, 2019

Recommendation

That, on the recommendation of the Managing Director, City Planning and City Planner, with the advice of the Heritage Planner, the application under Section 33 of the *Ontario Heritage Act*, retroactive consent for the existing porch on the heritage designated property located at 529 Princess Avenue **BE GIVEN** 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 Heritage Alteration Permit prior to issuance of the Building Permit;
- b) All exposed wood be painted; and,
- c) The Heritage Alteration Permit be displayed in a location visible from the street under the work is completed.

Executive Summary

Unapproved alterations to the porch of the heritage designated property at 529 Princess Avenue was made in autumn 2016. Subsequently, the property owner made a Heritage Alteration Permit application (HAP18-014-L), proposing a replacement porch which was approved with terms and conditions by Municipal Council at its meeting on July 12, 2018. The property owner did not agree with the terms and conditions imposed on the Heritage Alteration Permit approval, specifically the elimination of the turret detail of the proposed porch. Consequently, the property owner has made this Heritage Alteration Permit application seeking retroactive consent for the existing porch.

Analysis

1.0 Background

1.1 Property Location

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

1.2 Cultural Heritage Status

The property at 529 Princess Avenue was designated pursuant to Part IV of the *Ontario Heritage Act* by By-law No. L.S.P.-3104-15 on December 6, 1990 (Appendix C).

While geographically located within the limits of the East Woodfield Heritage Conservation District, the property at 529 Princess Avenue is not designated pursuant to Part V of the *Ontario Heritage Act*. At the time of the designation of the East Woodfield Heritage Conservation District in 1993 the *Ontario Heritage Act* did not allow for “double designated” properties. The *Ontario Heritage Act* has since been amended in 2005 to allow for “double designated” properties, however individually designated properties within the East Woodfield Heritage Conservation District and the Bishop Hellmuth Heritage Conservation District, continue to be excluded from those Heritage Conservation District designations respectively.

1.3 Description

The existing building at 529 Princess Avenue is an excellent example of Italianate architecture (Appendix B). It is a two-and-a-half storey, buff brick, side hall plan, Italianate residential dwelling. The building was constructed in 1880 as the home of Dr. John Salter (1802-1881). Subsequently, the property was owned by the Fraser family, including Harrison Fraser who left Park Farm (120 Meadowlily Road) to the City.

The heritage designating by-law includes a description of the “architectural reasons” for the property’s designation, including both interior and exterior heritage attributes (see Appendix B). Regarding the exterior, By-law No. L.S.P.-3104-15, states,

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 and paired bracket, detailed stone keystones and attractive double doors and attractive chimney. 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 Gable indicates its later period.

1.4 Previous Reports

May 9, 2018. Report to the London Advisory Committee on Heritage. Heritage Alteration Permit application, David Russell, 529 Princess Avenue – By-law No. L.S.P.-3104-15.

June 13, 2018. Municipal Council resolution. Resolet 3.1-10-PEC.

2.0 Legislative and Policy Framework

2.1 Provincial Policy Statement

Section 2.6.1 of the *Provincial Policy Statement* (2014) directs that “significant built heritage resources and significant cultural heritage landscapes shall be conserved.”

The *Provincial Policy Statement* (2014) defines “conserved” as: “means the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is maintained under the *Ontario Heritage Act*. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.”

2.2 Ontario Heritage Act

Pursuant to Section 33 of the *Ontario Heritage Act*, Heritage Alteration Permit is required for any alteration that is likely to affect any of the property’s heritage attributes. Section 33(1), *Ontario Heritage Act* states,

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 received consent in writing to the alteration.

Within 90 days of receipt of a Heritage Alteration Permit application and following consultation with the London Advisory Committee on Heritage (LACH), Municipal Council shall,

- a) Consent to the application;
- b) Consent to the application on terms and conditions; or,
- c) Refuse the application (Section 33(4), *Ontario Heritage Act*).

2.3 **The London Plan**

The policies of *The London Plan* found in the Cultural Heritage chapter support the conservation of London’s cultural heritage resources.

Policy 587_ *Where a property of cultural heritage value or interest is designated under Part IV of the Ontario Heritage Act, no alteration, removal or demolition shall be undertaken that would adversely affect the reasons for designation except in accordance with the Ontario Heritage Act.*

Policy 589_ *A property owner may apply to alter the cultural heritage attributes of a property designated under the Ontario Heritage Act. The City may, pursuant to the Act, issue a permit to alter the structure. In consultation with the London Advisory Committee on Heritage, the municipality may delegate approvals for such permits to an authority.*

3.0 Heritage Alteration Permit Application

Unapproved alterations to the porch of the heritage designated property at 529 Princess Avenue were undertaken in the fall of 2016.

A Heritage Alteration Permit application (HAP18-014-L) was made by the property owner and received on March 12, 2018, seeking approvals for a new porch which included a turret feature. While staff recommended that consent be given for the Heritage Alteration Permit application with terms and condition, the London Advisory Committee on Heritage (LACH) did not accept staff’s recommendation. Instead, the turret was eliminated in the recommendation of the LACH which was accepted and approved by Municipal Council at its meeting on June 12, 2018 (Appendix D). While the property owner did not appeal the terms and conditions imposed by Municipal Council on the Heritage Alteration Permit to the Conservation Review Board, per Section 33(6) of the *Ontario Heritage Act*, the property owner has indicated he has no intent of constructing the porch to which consent was given with terms and conditions.

This Heritage Alteration Permit application (HAP19-055-L) was submitted by the property owner and received on July 22, 2019. The property owner has applied for a Heritage Alteration Permit to (Appendix E):

- Retain the existing wood porch.

Per Section 33(4) of the *Ontario Heritage Act*, the 90-day timeline for this Heritage Alteration Permit application will expire on October 20, 2019.

4.0 Analysis

Alterations to the porch are likely to affect the subject property’s heritage attributes, thus requiring Heritage Alteration Permit approval. As a significant example of the Italianate architectural style, protected by the property’s designation under the *Ontario Heritage Act*, change must be carefully evaluated to ensure that the property’s heritage attributes are conserved.

Historic photographs confirm the former presence of a porch on the property at 529 Princess Avenue. Image 1, Appendix B (undated) shows the former porch at the front door, with a covered vestibule, small roof, and what appears to be metal railings. Interestingly, ghosting appears present which suggests the presence of a former porch that may have spanned the front façade of the building. The most recent former porch appears to have been a plain, painted wood porch with no railings or guards (see Image 3, Appendix B). It was removed in autumn 2016 and replaced by a set of steps constructed of pressure treated lumber (see Image 4, Appendix B).

Within the previous staff report to the LACH for the Heritage Alteration Permit (HAP18-014-L), it was noted that the existing porch and steps were “constructed temporarily.” The property owner now seeks to recognize the existing porch as a permanent feature of the property.

While the existing porch does not offend the heritage character of the property and do not adversely affect its heritage attributes, the existing porch offers little, if any, contributions to the property’s cultural heritage value. The existing porch is not in keeping or out of keeping with the heritage character of the property. The existing porch appears to be generally consistent, in terms of massing and scale, with the former porch which was removed without Heritage Alteration Permit approval. To improve the compatibility of the existing porch, it must be painted so that the wooden elements of the porch better blend into the architecture of the buildings and led a more finished appearance to the porch.

5.0 Conclusion

Consent should be granted for the retroactive Heritage Alteration Permit application for the existing porch at 529 Princess Avenue, provided that all exposed wood of the existing porch is painted.

Prepared by:	Kyle Gonyou, CAHP Heritage Planner
Submitted by:	Gregg Barrett, AICP Manager, Long Range Planning and Sustainability
Recommended by:	John M. Fleming, MCIP, RPP Managing Director, City Planning and City Planner
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from City Planning.	

August 6, 2019
KG/

- Appendix A Property Location
- Appendix B Images
- Appendix C By-law No. L.S.P.-3104-15
- Appendix D Municipal Council resolution on HAP18-014-L
- Appendix E Drawings of Existing Porch

Appendix A – Location



Figure 1: Property location of 529 Princess Avenue (from HAP18-014-L).

Appendix B – Images

Image 1: View of the property at 529 Princess Avenue, showing the front (north) façade of the dwelling. Note the former porch, as well as ghosting which suggests the former presence of a porch across the building's façade. Date unknown; prior to 1990.



Image 2: Photograph showing the William Street façade, as well as the south (rear) façade of the dwelling at 529 Princess Avenue. Date unknown; prior to 1990.



Image 3: Undated photograph of the property at 529 Princess Avenue, provided as part of this Heritage Alteration Permit application, showing the former porch.



Image 4: Photograph of the property at 529 Princess Avenue on November 14, 2016, showing the replaced porch.



Image 5: Photograph of the property at 529 Princess Avenue on June 22, 2017.



Image 6: Photograph of the property at 529 Princess Avenue on April 18, 2018.



Image 7: Detail photograph of the existing front porch of the property at 529 Princess Avenue on April 18, 2018.

Appendix C – By-law No. L.S.P.-3104-15

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.

Figure 2: By-law No. L.S.P.-3104-15 is registered on the title of the property at 529 Princess Avenue.

Appendix D – Municipal Council resolution on HAP18-014-L



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June 13, 2018

C. Saunders
City Clerk

J. Ramsay
Forestry Technologist

I hereby certify that the Municipal Council, at its meeting held on June 12, 2018 resolved:

That, the following actions be taken with respect to the 6th Report of the London Advisory Committee on Heritage from its meeting held on May 9, 2018:

a) the Heritage Planners BE REQUESTED to prepare a Statement of Cultural Heritage Value or Interest for the Fugitive Slave Chapel at its new location at 432 Grey Street pursuant to direction from the Municipal Council during the repeal of the heritage designating by-law for 275 Thames Street; it being noted that a verbal delegation from D. McNeish, with respect to this matter, was received;

it being further noted that the Municipal Council resolution from its meeting held on April 24, 2018, with respect to the 5th Report of the London Advisory Committee on Heritage, was received;

b) on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, with respect to the request for the demolition of the heritage listed property located at 2096 Wonderland Road North by Invest Properties Ltd., that notice BE GIVEN, under the provisions of Section 29(3) of the *Ontario Heritage Act*, R.S.O. 1990, c. O. 18, of Municipal Council's intention to designate the property located at 2096 Wonderland Road North to be of cultural heritage value or interest for the reasons included on the Statement of Cultural Heritage Value or Interest appended to the 6th Report of the London Advisory Committee on Heritage;

it being noted that the applicant has also submitted a planning application that will be considered separately at a future meeting of the Planning and Environment Committee;

it being further noted that the presentation from K. Gonyou, Heritage Planner, appended to the 6th Report of the London Advisory Committee on Heritage, was received with respect to this matter;

c) the following actions be taken with respect to the Notice of Application dated March 12, 2018 and the Notice the Public Meeting dated April 11, 2018 from C. Parker, Senior Planner, with respect to the Old East Village Dundas Street Corridor Secondary Plan:

i) the Civic Administration BE REQUESTED to ensure that the Request for Proposal include a stage 1 archaeological assessment and a Cultural Heritage

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Resource Assessment; it being noted that the Cultural Heritage Screening Report for Bus Rapid Transit (BRT) considered properties on King Street but not on Dundas Street; and,

ii) the Civic Administration BE REQUESTED to update the study area to include the Western Fair Grounds, as well as the properties located at 430 Elizabeth Street and 345 Lyle Street;

it being noted that the presentation from C. Parker, Senior Planner, appended to the 6th Report of the London Advisory Committee on Heritage, was received with respect to this matter;

d) the Civic Administration BE ADVISED that the London Advisory Committee on Heritage (LACH) supports the conclusions of the Heritage Impact Assessment for the application for a zoning by-law amendment for the property located at 131 King Street with the exception of the following matters:

- the step back should be consistent with the Downtown Heritage Conservation District guidelines;
- the vehicular access on King Street should be removed because it prevents a contiguous building interface; and,
- the frontage on York Street;

it being noted that the LACH supports the activation of the alley, as proposed and the overall design of the building;

e) the communication, dated April 9, 2018, from S. Bentley, with respect to the Philip Aziz Studio on Philip Aziz Drive BE FORWARDED to Western University for review; it being noted that the Philip Aziz Estate, including the house, studio and landscape walls, is a significant cultural heritage resource that is designated under Part IV of the *Ontario Heritage Act*; it being further noted that the London Advisory Committee on Heritage shares the concerns of Ms. Bentley with respect to the maintenance of the property;

f) on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the application made under Section 42 of the *Ontario Heritage Act*, by Ivy Homes Ltd. to amend the Heritage Alteration Permit for the property located at 33 Beaconsfield Avenue, located within the Wortley Village-Old South Heritage Conservation District, BE PERMITTED as proposed in the drawings appended to the staff report dated May 9, 2018, subject to the following terms and conditions:

- all exposed wood be painted, including but not limited to: the porch railing and spindles, porch skirt, porch steps, window trim, front door, doorway trim, and transom trim; and,
- the Heritage Alteration Permit be displayed in a location visible from the street until the work is completed;

it being noted that the presentation from K. Gonyou, Heritage Planner, appended to the 6th Report of the London Advisory Committee on Heritage, was received with respect to this matter;

g) on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the application under Section 42 of the *Ontario Heritage Act*, by H. Virtue, to alter the porch of the building located at 841 Princess Avenue, within the Old East Heritage Conservation District, BE PERMITTED subject to the following terms and conditions:

- 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;
- all exposed wood be painted; and,
- the Heritage Alteration Permit be displayed in a location visible from the street until the work is completed;

it being noted that the presentation from L. Dent, Heritage Planner, appended to the 6th Report of the London Advisory Committee on Heritage, was received with respect to this matter;

h) consent BE GIVEN for the application made under Section 33 of the Ontario Heritage Act, by D. Russell, 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), as proposed in the drawings appended to the 6th Report of the London Advisory Committee on Heritage, subject to the following terms and conditions:

- the removal of the turret;
- the width of the porch being revised to only be the width of the house;
- the Heritage Planner being circulated on the applicant's Building Permit application drawings to verify compliance with the submitted design, prior to issuance of the Building Permit;
- the stringer ends and risers be enclosed on both sets of porch stairs;
- all exposed wood being painted; and,
- the Heritage Alteration Permit being displayed in a location visible from the street until the work is completed

it being noted that the presentation from L. Dent, Heritage Planner, appended to the 6th Report of the London Advisory Committee on Heritage, was received with respect to this matter;

i) the following actions be taken with respect to the London Advisory Committee on Heritage Terms of Reference:

a) the City Clerk BE DIRECTED to:

- i) change the Emerging Leaders representative to a representative from a general youth-oriented organization, for example ACO NextGen;
- ii) add a member to represent the indigenous population; and,
- iii) add a member from the London Society of Architects;

b) the membership totals on the current Terms of Reference BE UPDATED; and,

j) clauses 1.1, 2.4, 3.1, 3.2, 3.4 to 3.10, 3.12, 4.1, 5.5 and 6.1, BE RECEIVED.
(3.1/10/PEC)



L. Rowe
Deputy City Clerk
/lm

cc. J.M. Fleming, Managing Director, Planning and City Planner
K. Gonyou, Heritage Planner

L. Dent, Heritage Planner
C. Parker, Senior Planner
H. Woolsey, Administrative Assistant, Administration and Legislative
J J. Bunn, Committee Secretary
C. Comeau, Documentation Services Representative

Appendix E – Drawings of Existing Porch

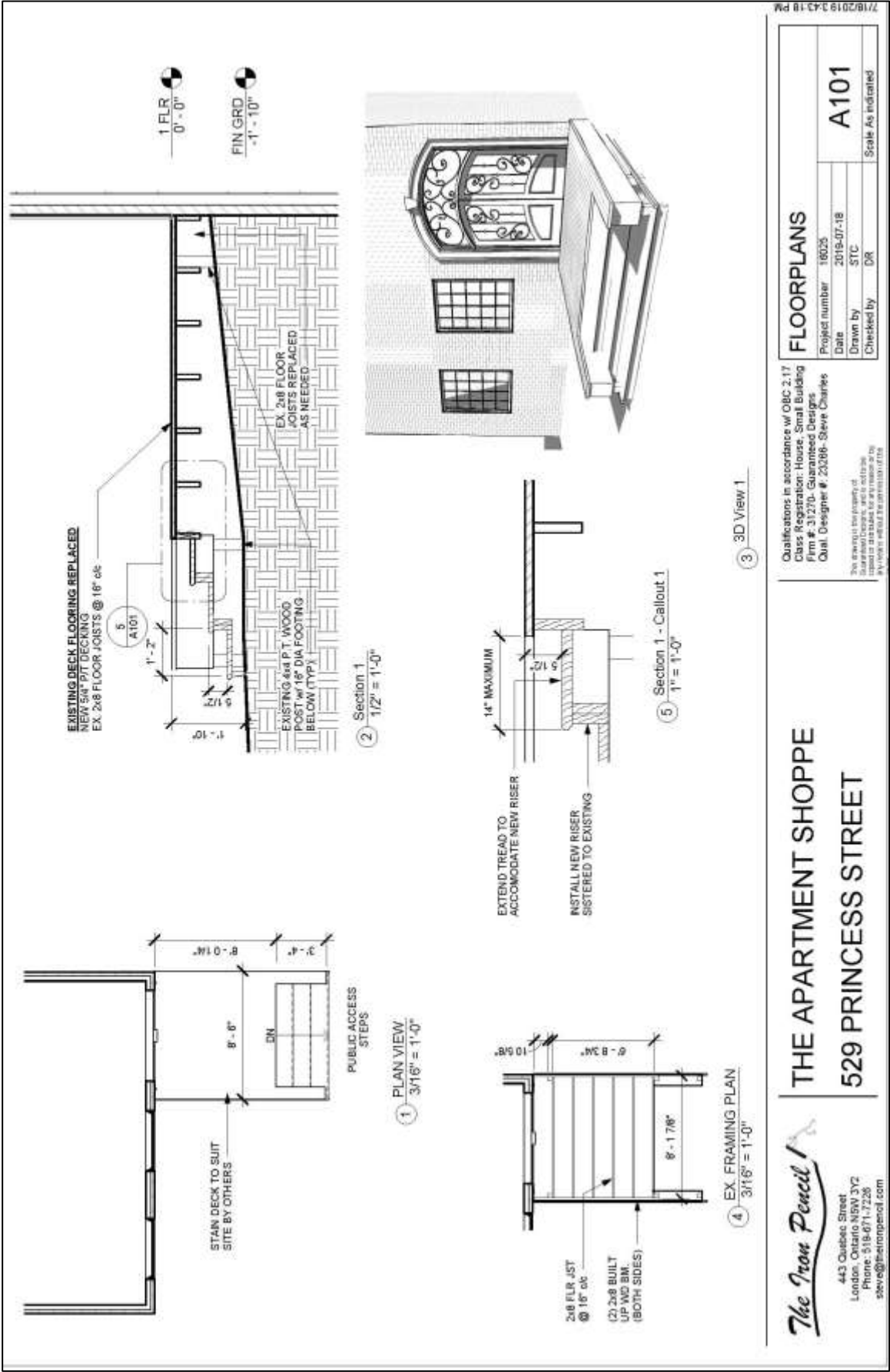


Figure 3: Drawing showing the existing porch of the dwelling at 529 Princess Avenue. Note the door and windows are not accurately depicted.

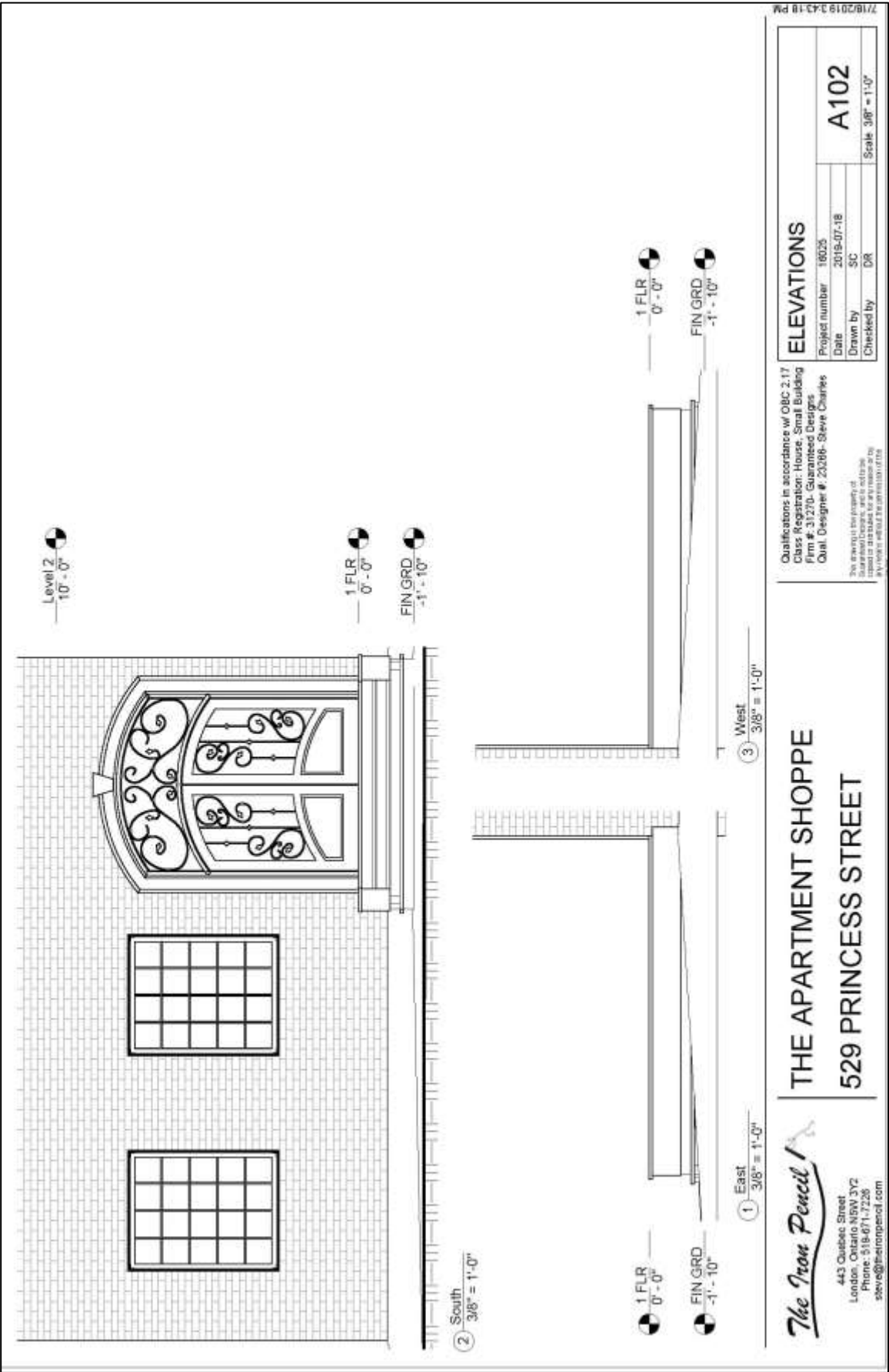


Figure 4: Drawing showing the existing porch of the dwelling at 529 Princess Avenue. Note the door and windows are not accurately depicted.