

## 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. Sagar & K. Corcoran at 430 Dufferin Avenue, West Woodfield Heritage Conservation District

**Meeting on:** Wednesday December 11, 2019

## Recommendation

That, on the recommendation of the Managing Director, City Planning & City Planner, with the advice of the Heritage Planner, the application under Section 42 of the *Ontario Heritage Act* seeking retroactive approval for alterations to porch of the property 430 Dufferin Avenue, within the West Woodfield Heritage Conservation District, **BE PERMITTED**.

## Executive Summary

Alterations were undertaken to the heritage designated property at 430 Dufferin Avenue, in the West Woodfield Heritage Conservation District, without obtaining Heritage Alteration Permit approval. A Heritage Alteration Permit application has been submitted seeking retroactive approach for the alterations completed to the porch. The alterations comply with the guidelines of Sections 82.1 and 10.5 of the *West Woodfield Heritage Conservation District Plan* and should be permitted.

## Analysis

### 1.0 Background

#### 1.1 Location

The property at 430 Dufferin Avenue is located on the north side of Dufferin Avenue between Colborne Street and Cartwright Street (Appendix A).

#### 1.2 Cultural Heritage Status

The property at 430 Dufferin Avenue is designated under Parts IV and V of the *Ontario Heritage Act*. The property was designated pursuant to Part IV of the *Ontario Heritage Act* by By-law No. L.S.P.-3251-30 in 1995. The property was subsequently included in the West Woodfield Heritage Conservation District, designated pursuant to Part V of the *Ontario Heritage Act* by By-law No. L.S.P.-3400-254 in 2009. The property is a B-rated property in the *West Woodfield Heritage Conservation District Plan*. Both heritage designating by-laws are registered on the title of the property.

#### 1.3 Description

The building located at 430 Dufferin Avenue is identified in the heritage designating by-law as a two-storey, four-bay vernacular “townhouse.” It was built in circa 1875.

#### 1.4 Previous Heritage Alteration Permits

In 2009, a Heritage Alteration Permit application was made seeking approval for replacement of the existing, non-original windows with new vinyl windows. The Heritage Alteration Permit was approved by Municipal Council at its meeting on July 27, 2009.

## 2.0 Legislative/Policy Framework

### 2.1 Provincial Policy Statement

Heritage conservation is a matter of provincial interest (Section 2.d, *Planning Act*). The *Provincial Policy Statement* (2014) promotes the wise use and management of cultural heritage resources and directs that “significant built heritage resources and significant cultural heritage landscapes shall be conserved.”

### 2.2 Ontario Heritage Act

Section 42 of the *Ontario Heritage Act* requires that a property owner not alter, or permit the alteration of, the property without obtaining Heritage Alteration Permit approval. The *Ontario Heritage Act* enables Municipal Council to give the applicant of a Heritage Alteration Permit:

- 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 42(4), *Ontario Heritage Act*)

Municipal Council must make a decision on the Heritage Alteration Permit application within 90 days or the request is deemed permitted (Section 42(4), *Ontario Heritage Act*).

#### 2.2.1 Contravention of the Ontario Heritage Act

Pursuant to Section 69(1) of the *Ontario Heritage Act*, failure to comply with any order, direction, or other requirement made under the *Ontario Heritage Act* or contravention of the *Ontario Heritage Act* or its regulations, can result in the laying of charges and fines up to \$50,000.

When the amendments to the *Ontario Heritage Act* in Bill 108 are proclaimed in force and effect, the maximum fine for the demolition or removing a building, structure, or heritage attribute in contravention of Section 42 of the *Ontario Heritage Act* will be increased to \$1,000,000 for a corporation.

### 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 554\_ of *The London Plan* articulates one of the primary initiatives as a municipality to “ensure that new development and public works are undertaken to enhance and be sensitive to our cultural heritage resources.” To help ensure that new development is compatible, Policy 594\_ (under appeal) of *The London Plan* provides the following direction:

1. *The character of the district shall be maintained by encouraging the retention of existing structures and landscapes that contribute to the character of the district.*
2. *The design of new development, either as infilling, redevelopment, or as additions to existing buildings, should complement the prevailing character of the area.*
3. *Regard shall be had at all times to the guidelines and intent of the heritage conservation district plan.*

Policy 13.3.6 of the *Official Plan* (1989, as amended) includes similar language and policy intent.

### 2.3 West Woodfield Heritage Conservation District

One of the goals of the designation of West Woodfield as a Heritage Conservation District pursuant to Part V of the *Ontario Heritage Act* is to “avoid the destruction and/or inappropriate alteration of the existing building stock, materials and details...” (Section 3.1, *West Woodfield Heritage Conservation District Plan*). To achieve this goal, policies and guidelines are in place to support the conservation and existing heritage buildings and ensuring that alterations are sensitive to the heritage attributes and details of the West Woodfield Heritage Conservation District.

Regarding alterations, the following guidelines are provided in Section 8.2.1 of the *West Woodfield Heritage Conservation District Plan*:

- Research the original style and appearance of the building to determine the “authentic limits” of restoration or alteration so that the appropriate style is maintained.
- In the absence of historical data, use forensic evidence available from the building itself to suggest appropriate restoration or alteration.
- Seek similar properties (same age, same design, and same builder) for evidence of details that may still exist as samples for reconstruction.
- Avoid “new” materials and methods of construction if the original is still available;
- “Restore” wherever possible rather than “replace,” particularly for features such as windows, doors, porches and decorative trim.
- Where replacement features (e.g. doors, window, rim) is unavoidable, the replacement components should be of the same general style, size, and proportion.
- Incorporate similar building forms, materials, scale and design elements into the alteration that exist on the original building.
- Avoid concealing original parts of buildings, entrances and decorative details when undertaking alterations.
- If in doubt, use discretion and avoid irreversible changes to the basic structure.
- Keep accurate photos and other records, and samples of original elements that have been replaced.

Regarding porch alteration, the following guidelines are provided in Section 10.5:

- Removal or substantial alteration to the size, shape, and design of existing porches is strongly discouraged.
- Do not remove or cover original porches or porch details, except for the purpose of quality restoration. Prior to executing any repairs or restoration, photograph the existing conditions and research to determine whether the existing is original or an appropriate model for restoration. Use annotated photographs or drawings or sketches to represent intended repairs.
- When restoring a porch that is either intact or completely destroyed, some research should be undertaken to determine the original design which may have been much different from its current condition and decide whether to restore the original.
- For structural elements of the porch, use the best current technology including secure footings extending below the frost and pressure treated wood for wood framing.
- For decorative elements such as gingerbread fretwork and other trim, wood is still the best choice to recreate the original appearance, but using improved technology such as waterproof glues and biscuit joiners and liquid preservatives and best quality paints to protect the finished product.
- Fiberglass and plastic versions of decorative trims should be avoided. Poor interpretations of the scale or design of applied decoration detract from the visual appearance and architectural coherence of porches and verandahs.
- Install and maintain a porch apron on all exterior sides below the porch floor level that permits good ventilation and prevents animals and debris from entering. Research some of the attractive and functional trellis designs that are used in the neighbourhood to fulfill this purpose. Include a hinged or removable section for occasional access for maintenance and inspection. Smooth and grade the ground under the porch to slope away from the basement and cover the exposed ground with a thick polyethylene sheet and a layer of gravel or precast paving stones. This will reduce the dampness and growth of mould and provide more comfortable access for maintenance.

### **3.0 Heritage Alteration Permit Application**

A complaint from the community brought unapproved alterations underway to the property at 430 Dufferin Avenue to the attention of the City on September 2019.

The Heritage Alteration Permit application was submitted by an authorized agent for the property owners and received on November 22, 2019. The applicant has applied for a

Heritage Alteration Permit seeking:

- Retroactive approval for removal of the former concrete stoop and railings and its replacement.

As the alterations have commenced prior to obtaining Heritage Alteration Permit approval, this Heritage Alteration Permit application has met the conditions for referral requiring consultation with the London Advisory Committee on Heritage (LACH).

Per Section 42(4) of the *Ontario Heritage Act*, Municipal Council must make a decision on this Heritage Alteration Permit application by February 20, 2019 or the request is deemed permitted.

#### **4.0 Analysis**

While not specifically mentioned in the heritage designating by-law, By-law No. L.S.P.-3251-30, alterations to porches require Heritage Alteration Permit approval in the West Woodfield Heritage Conservation District. The porch of the property at 430 Dufferin Avenue was removed and replaced, exceeding what can reasonably be considered a repair.

Information submitted in the Heritage Alteration Permit application demonstrated the need for intervention to the porch, as the concrete material had deteriorated. Because of the methods of installation, the former railings could not be salvaged as they were bolted into the old concrete.

In the new porch, there were no visual alterations to the size, height, or dimensions of the concrete base or steps. The railings/guards were replaced with custom metal railings to match the former railings/guards, however complying with current height requirements of the *Ontario Building Code* (36" in height).

While restoration and retention is encouraged by the guidelines for the *West Woodfield Heritage Conservation District Plan*, the alterations completed to the porch of the property at 430 Dufferin Avenue maintained the style, size, and proportions of the porch and used the same materials and general construction methods. The alterations to the porch at 430 Dufferin Avenue comply with the applicable porch guidelines in Sections 8.2.1 and 10.5 of the *West Woodfield Heritage Conservation District Plan*.

#### **5.0 Conclusion**

The alterations undertaken to remove and replace the porch at 430 Dufferin Avenue required Heritage Alteration Permit approval. Because the alterations commenced prior to obtain Heritage Alteration Permit approval, consultation with the LACH and a decision by Municipal Council is required. The alterations completed for the porch at 430 Dufferin Avenue comply with the guidelines of the *West Woodfield Heritage Conservation District*. Retroactive Heritage Alteration Permit approval should be provided.

<b>Prepared by:</b>	<b>Kyle Gonyou, CAHP Heritage Planner</b>
<b>Submitted by:</b>	<b>Gregg Barrett, AICP Manager, Long Range Planning and Sustainability</b>
<b>Recommended by:</b>	<b>John M. Fleming, MCIP, RPP Managing Director, City Planning and City Planner</b>
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.	

December 3, 2019  
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Appendix A Property Location  
Appendix B Images

**Appendix A – Location**

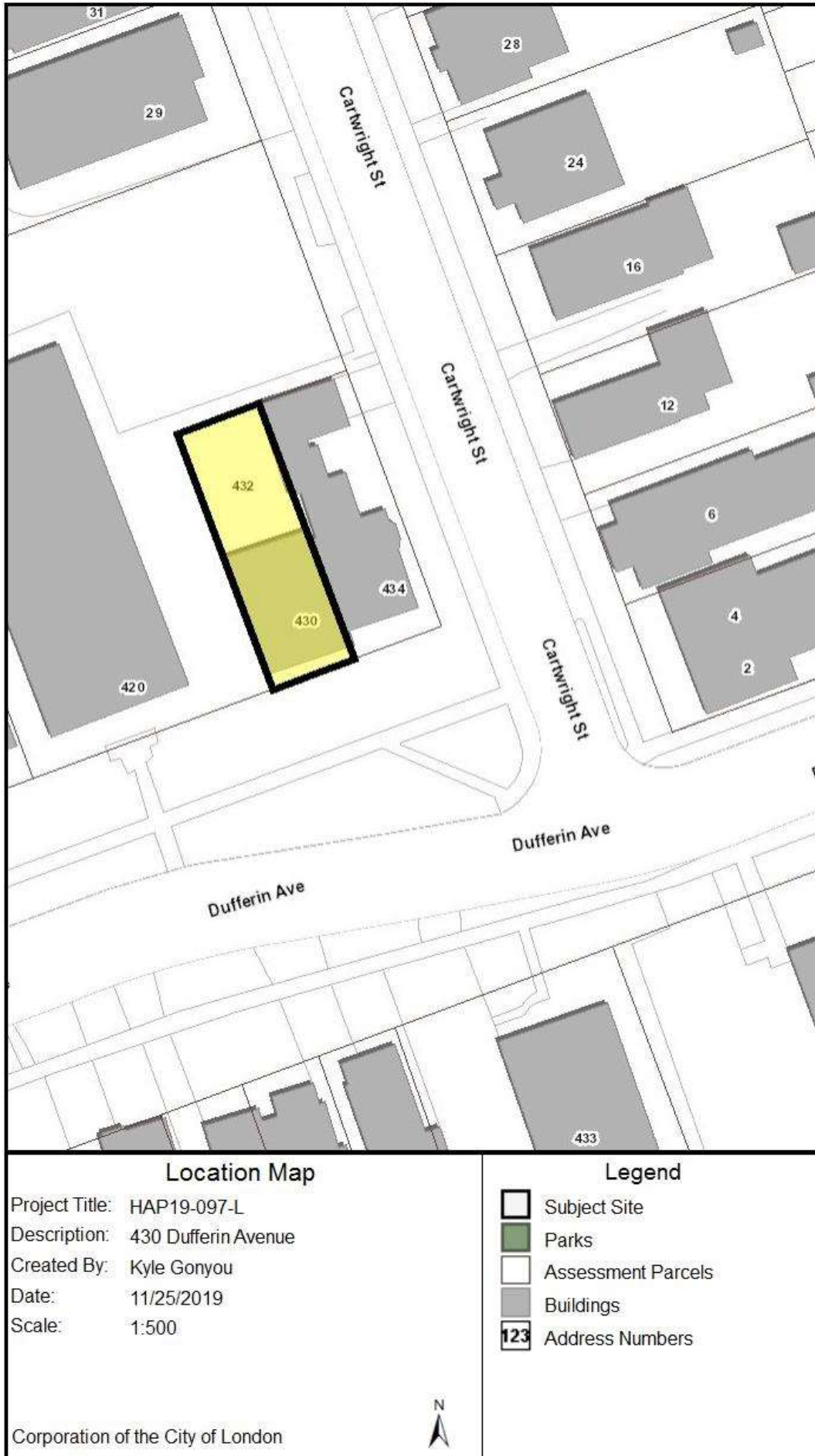


Figure 1: Location map of the subject property at 430 Dufferin Avenue.

Appendix B – Images



Image 1: Photograph of the property at 430 Dufferin Avenue (circa 1995).



Image 2: Photograph of the property at 430 Dufferin Avenue (May 2, 2007).



*Image 3: Photograph of the property at 430 Dufferin Avenue (2009).*



*Image 4: Photograph of the property at 430 Dufferin Avenue, showing the porch prior to alteration (submitted as part of the Heritage Alteration Permit application).*





Image 5: Photograph of the property at 430 Dufferin Avenue on September 30, 2019 showing work underway.



Image 6: Photograph showing the completed alterations to the porch, including re-pouring the concrete and new railings, of the property at 430 Dufferin Avenue (submitted as part of the Heritage Alteration Permit application).



Image 7: Photograph of the property at 430 Dufferin Avenue, with the alterations to the front porch completed.



Image 8: Detail photograph of the new front porch on the property at 430 Dufferin Avenue.