

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 Brian Allen at 906
Lorne Avenue, Old East 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 approval for alterations to property at 906 Lorne Avenue, within the Old East Heritage Conservation District, **BE PERMITTED** with the terms and conditions:

- a) All exposed wood be painted;
- b) A wood lattice porch skirt set in a frame to be added where missing;
- c) The top rail be constructed no higher than 30" to maintain the proportions of the porch;
- d) The railings and guards on the steps be replaced to be consistent with the railings and guards on the entirety of the porch;
- e) A new base around the northwest column be installed; and,
- f) The Heritage Alteration Permit be displayed in a location visible from the street until the work is completed.

Executive Summary

The property at 906 Lorne Avenue contributes to the heritage character of the Old East Heritage Conservation District. 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). The recommended action is to permit the alterations of the front porch including the top and bottom rails, and spindles. Provided that the appropriate materials and construction method is completed, the alterations should be permitted with terms and conditions.

Analysis

1.0 Background

1.1 Location

The property at 906 Lorne Avenue is located on the north side of Lorne Avenue between Ontario Street and Quebec Street (Appendix A).

1.2 Cultural Heritage Status

The property at 906 Lorne Avenue is located within the Old East Heritage Conservation District, which was designated pursuant to Part V of the *Ontario Heritage Act* in 2006. The property is noted as a C-ranked property within the HCD. C-ranked properties are described within the *Old East Heritage Conservation District Study* as being "of value as part of the environment" (Section 4.2).

1.3 Description

The existing dwelling at 906 Lorne Avenue was constructed in circa 1890, and is a 2 ½ storey vernacular dwelling with Queen Anne Revival influences and is reflective of its period of construction (Appendix B). The dwelling includes a hipped asphalt shingle roof with a projecting front gable. The gable is highly decorated with shingling and decorative millwork and includes the decorative elements, commonly found on dwellings influenced

by the Queen Anne Revival style in Old East and elsewhere in London. The dwelling is constructed of brick, which has recently been re-painted. The front porch on the dwelling is supported by pre-cast concrete block piers and squared wooden columns. The existing railing consists of a top rail, decorative turned spindles and a bottom rail. The guard rails and spindles are painted gray and white to match the exterior of the dwelling.

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 Old East Heritage Conservation District

A number of goals and objectives have been established to provide a framework for the protection and preservation of the unique heritage features in the Old East Heritage Conservation District (*Old East Heritage Conservation District Conservation Plan*,

Section 3.2). The porches in Old East are considered as significant to the appearance of the district as its gables and dormers (*Old East Heritage Conservation District Conservation and Design Guidelines*, Section 3.7). As a result, their contribution to the overall visual character of Old East, the design and detail of porches and verandahs on the fronts of houses should be considered a very high priority for the heritage district (*Old East Heritage Conservation District Conservation and Design Guidelines*, Section 3.7).

Section 4.3.1 of the *Old East Heritage Conservation and Design Guidelines* provides guidelines for porch alterations in Old East. The guidelines note that “alterations to porches should improve the structural conditions but not cause the loss of the original heritage character”. Porch alterations should be undertaken in a manner that utilizes appropriate materials, scale, and colour. In addition, the guidelines note that where known, the design of railings, spindles, and porch skirts should also reflect the original structure to the extent possible.

3.0 Heritage Alteration Permit Application

3.1 Heritage Alteration Permit

A complaint from the community about unapproved alterations underway to the property at 906 Lorne Avenue was brought to the attention of the City in October 2019.

The Heritage Alteration Permit application was submitted by the property owner and received on October 30, 2019. The property owner has applied for a Heritage Alteration Permit seeking:

- Approval for the replacement of the deteriorated railing and balusters with new top and bottom rails and square balusters as per EC-1 of the SB-7 Supplementary Standard of the Ontario Building Code; and,
- Approval to raise the height of the railings and guards to no more than 30” in order to comply with Ontario Building Code requirements.

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 January 28, 2020 or the request is deemed permitted.

4.0 Analysis

4.1 Porch Alterations

The review of the Heritage Alteration Permit application considers the direction outlined in Section 3.7 and Section 4.3.1 of the *Old East Village Heritage Conservation District Conservation and Design Guidelines*. As a result of the existing deterioration, the restoration of the existing wood railing components is not feasible. The turned spindles of the existing railings do not appear to be original to the design of the dwelling and its porch. The proposed alterations seek to replace the deteriorated railings with a more modest railing and spindle design that uses squared spindles, a design also commonly found on porches and verandahs within the Old East Heritage Conservation District. In addition, the height of the existing guards is currently 26”, a height that is below the height requirements for railings and guards on dwellings. The proposed replacement guards will be constructed at 30” to meet height requirements. The 30” height also seeks to maintain the proportions of the existing porch with the house. The new railings will be constructed across the front of the dwelling as well as the sides of the porch. The proposed railing and spindles are similar in design, scale, and materials to porches found elsewhere in Old East (see Appendix B). In order for the railings and guards to be consistent across the entire porch, the railings and guards for the steps should also be replaced with the same design and a wood lattice porch skirt, set in a frame should be added to the front of the porch to be consistent with the existing sides which retain their

porch skirts. Lastly, a new base for the northwest column should be installed prior to construction of the railings to replace the missing base.

5.0 Conclusion

The proposed alterations to the porch at 906 Lorne Avenue seek to be consistent with the Design Guidelines (Section 3.7 and Section 4.3.1) of the *Old East Heritage Conservation District Conservation and Design Guidelines*. The proposed railing and balusters are similar in design, scale, and materials to porches found elsewhere in Old East and the property will continue to contribute to the heritage character of the Old East Heritage Conservation District. The Heritage Alteration Permit for 906 Lorne Avenue for the replacement of the porch railing and balusters should be permitted with terms and conditions.

Prepared by:	Michael Greguol 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.	

December 3, 2019

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Appendix A Property Location

Appendix B Images

Appendix A – Location

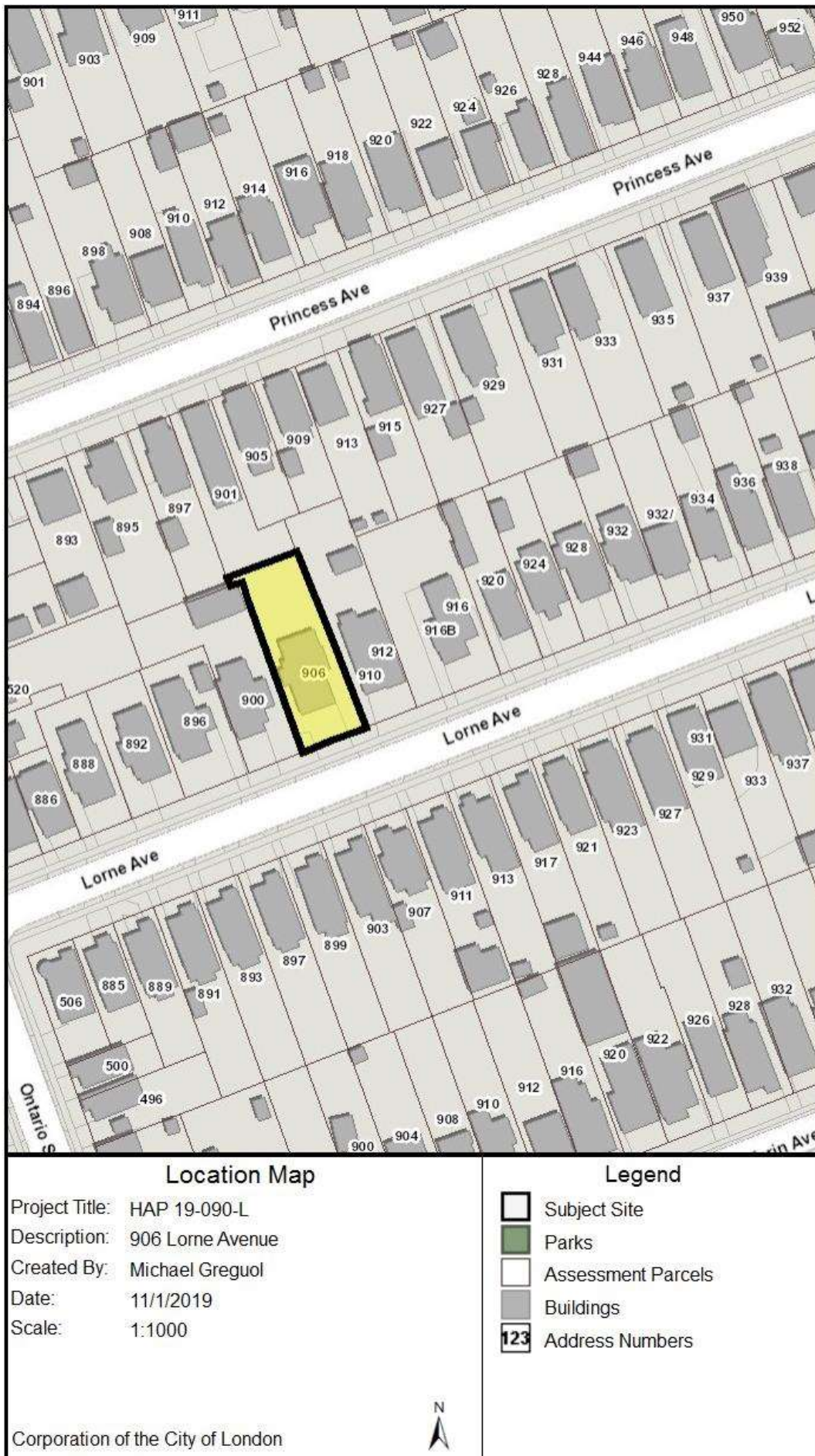


Figure 1: Location of the subject property at 906 Lorne Avenue in the Old East Heritage Conservation District.

Appendix B – Images



Image 1: Photograph of the property at 906 Lorne Avenue showing unapproved alterations underway, photographed on October 11, 2019.



Image 2: Photograph of the property at 906 Lorne Avenue showing unapproved alterations underway, photographed on October 11, 2019.



Image 3: Detail of the top and bottom rails on the porch at 906 Lorne Avenue submitted as a part of the Heritage Alteration Permit application, showing the deteriorated wooden elements (October 2019).



Image 4: Photograph of the top and bottom rails on the porch at 906 Lorne Avenue submitted as a part of the Heritage Alteration Permit, showing the deteriorated wooden elements (October 2019). Note, the railings are sitting upside down so the rotted bottom rail is most visible in the photograph.



Image 5: Photograph showing the unapproved alterations underway at 906 Lorne Avenue submitted as a part of the Heritage Alteration Permit application. The existing railing and square spindles are shown on the left, and the proposed replacement railings are shown on the right of the post (October 2019). Note, a new lattice porch skirt and base of the column should be added as a part of the Heritage Alteration Permit.



Image 6: Photograph showing proposed railing and square spindle alterations to the porch at 906 Lorne Avenue, submitted as a part of the Heritage Alteration Permit application (October 2019). Note, the new height of the top rail will be required in order to meet the requirements of the Ontario Building Code.



Image 7: Photograph of 903 Dufferin Avenue, also included within the Old East Heritage Conservation District, showing a railing and squared spindle design that is similar to the proposed design for 906 Lorne Avenue. Note, the heights of the top rails have also been raised on this porch, similar to the proposed design for 906 Lorne Avenue.



Image 8: Photograph of 944 Dufferin Avenue, also included within the Old East Heritage Conservation District, showing a railing and squared spindle design that is similar to the proposed for 906 Lorne Avenue. Although the trimwork on this verandah includes decorative turned millwork, the railing and spindles are squared, similar to the proposed design for 906 Lorne Avenue.