

Report to London Advisory Committee on Heritage

To: Chair and Members
London Advisory Committee on Heritage

From: Gregg Barrett
Director, City Planning and City Planner

Subject: Heritage Alteration Permit Application by S. MacLeod at 59
 Wortley Road, Wortley Village-Old South Heritage
 Conservation District

Meeting on: Wednesday August 12, 2020

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 property at 59 Wortley Road, within the Wortley Village-Old South Heritage Conservation District, **BE REFUSED**.

Executive Summary

Alterations to the front steps were undertaken to the C-Rated cultural heritage resource at 59 Wortley Road, in the Wortley Village-Old South Heritage Conservation District, without obtaining Heritage Alteration Permit approval or a Building Permit. A Heritage Alteration Permit application was subsequently submitted, seeking retroactive approval for the alteration of the front steps. The style of step and railing is not compatible and should be refused in favour of a more compatible style of railing/guard for the property and the Wortley Village-Old South Heritage Conservation District.

Analysis

1.0 Background

1.1 Location

The property at 59 Wortley Road is located on the west side of Wortley Road between Victor Street and Beaconsfield Avenue (Appendix A). The property is opposite Thames Park, down a steep embankment.

1.2 Cultural Heritage Status

The property at 59 Wortley Road is located within the Wortley Village-Old South Heritage Conservation District, which was designated pursuant to Part V of the *Ontario Heritage Act* in 2015. The property at 59 Wortley Road is identified as a C-Rated property by the *Wortley Village-Old South Heritage Conservation District Plan*, meaning it contributes to the cultural heritage value of the Wortley Village-Old South Heritage Conservation District.

1.3 Description

The dwelling at 59 Wortley Road is a one-and-a-half storey Period Revival home, built in circa 1928 (Appendix B). The dwelling has a rectangular footprint with its first storey clad in rug brick. The dwelling is symmetrical with a central doorway under the portico, a trio of windows to each side, and two dormers in the upper storey of the side gable roof. The portico has been enclosed and may have originally been an open porch. The portico has brick plinth base, matching the brick of the house, with a trio of colonettes supporting a small frieze and return eaves. There are six steps up to the front door, which were composed of concrete steps and a metal railing at the time of the property's designation.

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 (2020)* 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 Wortley Village-Old South Heritage Conservation District Plan

The Wortley Village-Old South Heritage Conservation District was designated pursuant to Part V of the *Ontario Heritage Act* to protect its heritage character in 2015. To assist in its protection, goals and objectives, policies, and guidelines have been developed as part of the *Wortley Village-Old South Heritage Conservation District Plan*. Many heritage attributes are identified within the Statement of Cultural Heritage Value or Interest for the Wortley Village-Old South Heritage Conservation District, supporting its architectural character including building materials, forms, and details.

One of the goals of the designation of Wortley Village-Old South as a Heritage Conservation District is to “avoid the destruction and/or inappropriate alteration of the

existing building stock, materials and details” (Section 3.1.2, *Wortley Village-Old South Heritage Conservation District Plan*). This is achieved by:

- *Establishing policies and design guidelines to ensure new development and alterations are sensitive to the heritage attributes and details of the HCD and are based in appropriate research and examination of archival and/or contextual information;*
- *Strongly discourage the demolition of cultural heritage resources and the removal or alteration of heritage attributes;*
- *Encouraging individual property owners to understand the broader context of heritage conservation, and recognize that buildings should outlive their individual owners and each owner or tenant should consider themselves as the stewards of the building for future owners and users;*
- *Encouraging sensitive conservation and restoration practices that make gentle and reversible changes, when necessary, to significant cultural heritage resources;*
- *Encouraging improvements or renovations to “modern era” resources that are complementary to, or will enhance, the HCD’s overall cultural heritage value and streetscape; and,*
- *Providing homeowners with conservation and maintenance guidelines and best practices so that appropriate conservation activities are undertaken.*

The Design Guidelines of Section 8.3.1 of the *Wortley Village-Old South Heritage Conservation District Plan* support the retention of existing and traditional materials and methods of construction and support efforts to retain and restore, rather than replace heritage attributes.

3.0 Heritage Alteration Permit Application

A complaint from the community brought unapproved alterations underway to the property at 59 Wortley Road to the attention of the City on August 7, 2019. Compliance action ensued. The Heritage Planner met with the property owner to encourage compliance with the direction of the *Wortley Village-Old South Heritage Conservation District Plan* and the heritage character of the property.

The Heritage Alteration Permit application was submitted by the property owners and received on February 28, 2020. The applicant has applied for a Heritage Alteration Permit seeking:

- Retroactive approval for alteration of the front steps to permit the existing painted wooden steps and painted wood and metal railing/guard.

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).

Timelines legislated pursuant to the *Ontario Heritage Act* are currently suspended by Ontario Regulation 73/20 for the duration of the COVID-19 pandemic.

4.0 Analysis

The property owner contested that the front steps were “repaired”; staff do not support this assertion as the work completed to the front steps of the property at 59 Wortley Road have exceeded what can reasonably be considered repair work and are clearly an alteration. Notwithstanding, information submitted by the property owner in the Heritage Alteration Permit application demonstrates the degraded condition of the metal railing/guard thus requiring intervention (see Appendix B, Image 5).

Within the Heritage Alteration Permit application, the property owner stated that the metal and wood railings are common in the Wortley Village-Old South Heritage Conservation District. As the heritage character of the Wortley Village-Old South Heritage Conservation District is “reflected in the concentration of stylistic mixture of

historic properties dating from the area’s formative years between circa 1850 and 1930,” there is diversity in the architectural expressions of its cultural heritage resources (Section 2.3.1, Statement of Cultural Heritage Value or Interest, *Wortley Village-Old South Heritage Conservation District Plan*). Each property is unique and considered on a case-by-case basis.

As the C-rated property at 59 Wortley Road was built in circa 1928, it exhibits different contributions to the heritage character of the Wortley Village-Old South Heritage Conservation District than a property built in 1850 or 1900. It is not clear if the former metal railing with concrete steps were or were not original, however the style and form of the former railing and steps could be considered typical of the 1920s (see Image 1).

The combination of a metal picket in a wood post and rails to form a railing is a modern intervention that did not exist in the 1920s. While it may exist in other properties, perhaps in existence prior to the designation of the Wortley Village-Old South Heritage Conservation District in 2015, it is not appropriate to the heritage character of this property or the Wortley Village-Old South Heritage Conservation District. The existing railing should be removed in favour of a metal railing with concrete steps, to match those that existed prior to alteration (to maintain the existing condition), or to be replaced with painted wooden railings and steps that also fits with this property. These alternatives were encouraged by the Heritage Planner when meeting with the property owner prior to the submission of this Heritage Alteration Permit application.

The property owner made efforts to paint the front steps. The dark colour of the paint helps to diminish the contrast between the wood material and metal (see Appendix B, Image 4). However, painting the wood of the front steps does not address the compatibility of the materials and design of the railing/guard.

5.0 Conclusion

Alterations were undertaken to the C-rated property at 59 Wortley Road without Heritage Alteration Permit approval or a Building Permit. The retroactive Heritage Alteration Permit approval sought for the previously completed alterations negatively affects this cultural heritage resource by introducing a railing style that is not compatible with the property’s heritage character. The Heritage Alteration Permit application should be refused in favour of a step and railing design that is more compatible with the heritage character of this property and the Wortley Village-Old South Heritage Conservation District.

Prepared and Submitted by:	Kyle Gonyou, CAHP Heritage Planner
Recommended by:	Gregg Barrett, AICP 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.	

July 28, 2020
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Appendix A Property Location
Appendix B Images

Appendix A – Location



Figure 1: Location of the subject property at 59 Wortley Road in the Wortley Village-Old South Heritage Conservation District.

Appendix B – Images



Image 1: Image of the property at 59 Wortley Road prior to alteration (October 2018; courtesy Google).



Image 2: Photograph of the property at 59 Wortley Road, showing the altered front steps.



Image 3: Detail photograph of the new front steps of the property at 59 Wortley Road.



Image 4: Photograph showing the front steps of the property at 59 Wortley Road, after being painted.



Feb 28/20

Image 5: Image, submitted by the property owner as part of the Heritage Alteration Permit application, of the bolts of the former metal railing to demonstrate their degraded condition.