

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 J. Banninga and J. Williams at 784 Hellmuth Avenue, Bishop Hellmuth 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 784 Hellmuth Avenue, within the Bishop Hellmuth Heritage Conservation District, **BE REFUSED**.

Executive Summary

The windows of the property at 784 Hellmuth Avenue, designated pursuant to Part V of the *Ontario Heritage Act* as part of the Bishop Hellmuth Heritage Conservation District, were removed and replaced without Heritage Alteration Permit approval. The replacement windows do not comply with the policies and guidelines of the *Bishop Hellmuth Heritage Conservation District Plan* and negatively affect the cultural heritage value of this property in the Bishop Hellmuth Heritage Conservation District. The retroactive Heritage Alteration Permit application should be refused and windows compatible in finish, style, proportions, and placement to the original windows be installed.

Analysis

1.0 Background

1.1 Location

The property at 784 Hellmuth Avenue is located on the east side of Hellmuth Avenue between Oxford Street East and St. James Street (Appendix A).

1.2 Cultural Heritage Status

The property at 784 Hellmuth Avenue is located within the Bishop Hellmuth Heritage Conservation District, which was designated pursuant to Part V of the *Ontario Heritage Act* in 2003. The property also features a blue City of London heritage property plaque affixed adjacent to the front door.

1.3 Description

The dwelling located at 784 Hellmuth Avenue is a one-and-a-half storey, buff brick-clad building with a cross-gable roof (Appendix B). The building's style and detail demonstrate many characteristic elements of the Queen Anne Revival architectural style: complicated massing, decorative carved gable detailing, bargeboard with applied detail, decorated porch with columns and turned spindles, and stained glass windows. The date of construction, circa 1906, fits within the period of development of the Bishop Hellmuth Heritage Conservation District and as a late example of Queen Anne Revival architecture in London.

The former windows of the heritage designated property at 784 Hellmuth Avenue were typical of the period and Queen Anne Revival architectural style: painted wood (single or double hung) sash windows with undivided lights (see Appendix B). Aluminum storm windows were added over what may be the original wood windows at some point in the property's history.

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 Bishop Hellmuth Heritage Conservation District Plan

The “reasons for designation” of the Bishop Hellmuth area as a Heritage Conservation District pursuant to Part V of the *Ontario Heritage Act* highlight the historical association of the area with Bishop Isaac Hellmuth, the Queen Anne Revival architectural style of the area, the churches as architectural focal points, its natural beauty, its authenticity, and its community pride (Section 2, *Bishop Hellmuth Heritage Conservation District Plan*). The goals of the *Bishop Hellmuth Heritage Conservation District Plan* work to “preserve and enhance a beautiful and historic residential enclave” with physical goals to:

- *To encourage the retention and conservation of historic buildings and landscapes.*

- *To guide the design of new work to be compatible with old.*
- *To enhance the historic character and visual appeal of the area.*
- *To achieve and maintain a cohesive, well designed and identifiable historic area.*

To support these goals, Heritage Alteration Permit approval is required for alterations to properties designated as part of the Bishop Hellmuth Heritage Conservation District. The following principles should be followed (Section 4.2, *Bishop Hellmuth Heritage Conservation District Plan*):

- Identify the architectural style
- Preserve historic architectural features
- Conserve rather than replace
- Replicate in keeping
- Record changes
- Save removed architectural features

The Building Alteration Policies for windows are as follows (Section 4.2, *Bishop Hellmuth Heritage Conservation District Plan*):

The predominant window type is the painted wood double hung sash. Many principle front windows have stained glass transoms. The conservation of original windows in general and stained glass windows in particular is a high priority. If altered, they should complement the finish, style, proportions and placement of the original. Removal of original stained glass windows is strongly discouraged. Vinyl and aluminum-clad windows are discouraged as they lack historic character.

Window alterations are clearly identified in Section 6.1 of the *Bishop Hellmuth Heritage Conservation District Plan* as requiring Heritage Alteration Permit approval.

Building Conservation Guidelines for windows can be found in the *Bishop Hellmuth Heritage Conservation District Guidelines*. These guidelines include information on the window assembly, old glass, replacing single glass with insulating glass, aluminum storm windows, vinyl and aluminum windows, exterior wooden storm windows, and maintenance. An extract of the Windows – Building Conservation Guideline, identifying different windows by architectural style is included as Appendix C.

3.0 Heritage Alteration Permit Application

A complaint from the community brought unapproved alterations underway to the property at 784 Hellmuth Avenue to the attention of the City on March 5, 2020. The Heritage Planner went to investigate and observed the windows of the property at 784 Hellmuth Avenue being replaced (see Appendix B, Image 2).

The Heritage Alteration Permit application was submitted by an authorized agent for the property owners and received on July 20, 2020. The applicant has applied for a Heritage Alteration Permit seeking:

- Retroactive approval for:
 - Removal of the wood windows and aluminum storm windows; and,
 - Installation of vinyl casement and awning style windows, some with faux grilles.

Fortunately, none of the stained glass windows of the property were removed or replaced.

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 Guiding Principles of Section 4.2 of the *Bishop Hellmuth Heritage Conservation District*, the Building Alteration policies for Windows in Section 4.3 of the *Bishop Hellmuth Heritage Conservation District Plan*, and the Window Guidelines in the *Bishop Hellmuth Heritage Conservation District Guidelines* were used in the analysis of the Heritage Alteration Permit application.

Table 1: Analysis of Conformity to Guiding Principles for Building Alteration Policies of Section 4.2 of the Bishop Hellmuth Heritage Conservation District Plan

Section 4.2: Guiding Principles	Analysis
<p>Identify the Architectural Style <i>The architectural style of the building should be identified to ensure the building alterations are in keeping with the style and its characteristics.</i></p>	<p>Within their Heritage Alteration Permit application, the property owners stated that they could not identify the windows that were altered in any of the styles included in the windows section of the <i>Bishop Hellmuth Heritage Conservation District Guidelines</i> (see Appendix C, Figure 2). Instead, “the owners sought to align with the Mansard/Italianate design to enhance the heritage value and aesthetic. These custom-built windows were modified at additional cost to match a style of window appropriate to the Bishop Hellmuth Heritage Conservation District.”</p> <p>Failing to identify the appropriate architectural style of their property as an example of the Queen Anne Revival architectural style resulted in the selection of inappropriate replacement windows. The Queen Anne Revival architectural style is emphasized throughout the <i>Bishop Hellmuth Heritage Conservation District Plan and Guidelines</i>, as well as identified on the <i>Register of Cultural Heritage Resources</i> for the property at 784 Hellmuth Avenue.</p>
<p>Preserve Historic Architectural Features <i>Alterations should preserve important architectural features of the main building.</i></p>	<p>The replacement of the windows of the heritage designated property at 784 Hellmuth Avenue failed to preserve important architectural features, which includes the windows.</p>
<p>Conserve Rather than Replace <i>Original building materials, features and finishes should be repaired and conserved rather than replaced, when possible. The original has greater historical value.</i></p>	<p>Within their Heritage Alteration Permit application, the property owners stated that the windows that were replaced with not the original windows of the home. This is unclear; aluminum storm windows appear to have been installed over wood windows that are consistent with the age and style of the property.</p> <p>Also within their Heritage Alteration Permit application, the property owners included a photograph of a cracked glass window pane and cut sash cords (see Appendix B, Image 6, Image 11, and Image 12). These are repairable issues.</p> <p>The replacement of the windows fails this principle.</p>
<p>Replicate in Keeping <i>When replacing building features, they should</i></p>	<p>The replacement windows are not in keeping with the character of the original windows in finish, style, proportions, and placement.</p> <p>The original windows were painted wood, which is a historically appropriate and repairable material. The replacement windows</p>

Section 4.2: Guiding Principles	Analysis
<i>duplicate or be in keeping with the character of the original.</i>	<p>are vinyl, which is specifically discouraged by the policies and guidelines of the <i>Bishop Hellmuth Heritage Conservation District Plan and Guidelines</i>, as vinyl and aluminum-clad windows “lack historic character.”</p> <p>The original windows were (single or double hung) sash windows. The replacement windows are casement and awning style. This difference incompatible.</p> <p>The original windows were undivided sash windows. The replacement windows have a faux grid in an attempt to create the suggestion of a two-over-two fenestration pattern. The faux grid is not successful and not in keeping with the original windows.</p> <p>No window openings were altered in the window replacement. The use of vinyl replacement windows is bulkier than the original wood windows.</p>
<p>Record Changes <i>Building alterations should be recorded by the owner through “before and after” photographs or drawings for future reference. They should be deposited with the Heritage Planner.</i></p>	<p>While “before and after” photographs have been included within the Heritage Alteration Permit application, the intent of the Heritage Alteration Permit application process is to work to ensure that alterations to heritage designated properties comply with the applicable policies and guidelines to conserve significant cultural heritage resources. Retroactive Heritage Alteration Permit applications does not allow for the ability to positively influence alterations for compliance in advance of those alterations being completed.</p>
<p>Save Removed Architectural Features <i>Historic material and features, such as old windows and trim, when in sound condition should be saved and stored for future use in a dry and safe part of the building.</i></p>	<p>The property owners have stated within their Heritage Alteration Permit application that the original windows were not retained.</p>

The alterations completed to the cultural heritage resource at 784 Hellmuth Avenue fail to conform to the principles of Section 4.2 of the *Bishop Hellmuth Heritage Conservation District Plan*.

Table 2: Analysis of Conformity to Building Alteration policies for Windows of Section 4.2 of the Bishop Hellmuth Heritage Conservation District Plan

Section 4.2 Building Alteration Policies: Windows	Analysis
Finish	The original windows were painted wood, which is a historically appropriate and repairable material. The replacement windows are vinyl, which is specifically discouraged by the policies and guidelines of the <i>Bishop Hellmuth Heritage Conservation District Plan and Guidelines</i> , as vinyl and aluminum-clad windows “lack historic character.”
Style	The original windows were (single or double hung) sash windows. The replacement windows are casement and awning style. The change in window style is not appropriate.
Proportions	The original windows were undivided sash windows. The replacement windows have a faux grid in an attempt to create the suggestion of a two-over-two fenestration pattern. The faux grid is not successful and not in keeping with the original windows.
Placement	No window openings were altered in the window replacement. The use of vinyl replacement windows is bulkier than the original wood windows.

The replacement windows installed on the heritage designated property at 784 Hellmuth Avenue do not comply with the policies of Section 4.2 of the *Bishop Hellmuth Heritage Conservation District*. The replacement windows do not complement the finish, style or proportions of the original windows.

4.2 Suitable Replacement Windows

It is unfortunate that the original windows have not been retained as quality old wood windows are suitable candidates for rehabilitation. Coupled with new painted wood storm windows, the wood windows could achieve improved thermal integrity.

Suitable replacement windows must be appropriate in finish, style, proportions, and placement to the original windows:

- Finish: painted wood
- Style: single or double hung sash windows
- Proportions: undivided lights (no faux grilles)
- Placement: within the original openings

5.0 Conclusion

The windows of the heritage designated property at 784 Hellmuth Avenue, in the Bishop Hellmuth Heritage Conservation District, were replaced without Heritage Alteration Permit approval. The replacement of the windows does not conform to the principles of Section 4 of the *Bishop Hellmuth Heritage Conservation District Plan*. The style, design (proportion), and material of the replacement windows is not compatible with the policies and guidelines for windows in the *Bishop Hellmuth Heritage Conservation District Plan*.

The retroactive Heritage Alteration Permit application for the replacement windows of the heritage designated property at 784 Hellmuth Avenue should be refused. Suitable replacement materials must be installed to achieve compliance.

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 C Windows – Building Conservation Guidelines, *Bishop Hellmuth Heritage Conservation District Guidelines*

Appendix A – Location



Figure 1: Location of the subject property at 784 Hellmuth Avenue in the Bishop Hellmuth Heritage Conservation District.

Appendix B – Images



Image 1: Photograph of the property at 784 Hellmuth Avenue on May 12, 2017.



Image 2: Photograph showing the windows of the property at 784 Hellmuth Avenue being replaced on March 5, 2020.



Image 3: Photograph showing the property at 784 Hellmuth Avenue following the replacement of the windows without Heritage Alteration Permit approval.



Image 4: Photograph showing the property at 784 Hellmuth Avenue following the replacement of the windows without Heritage Alteration Permit approval.



Image 5: Image, submitted as part of the Heritage Alteration Permit application, showing a detail of the upper windows on the west façade of the heritage designated property at 784 Hellmuth Avenue.



Image 6: Image, submitted as part of the Heritage Alteration Permit application, showing a cut or broken sash cord.



Image 7: Detail image of the upper windows on the west façade after their replacement, submitted as part of the Heritage Alteration Permit application.

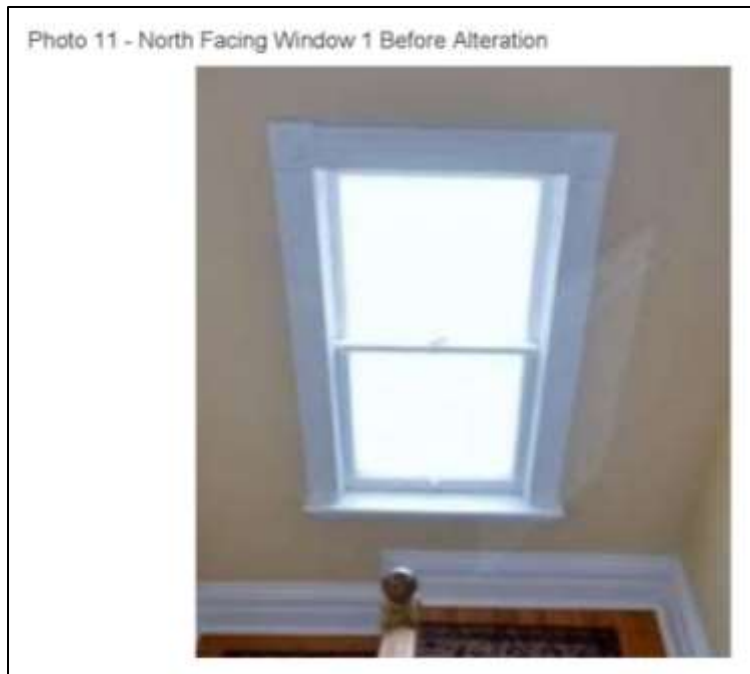


Image 8: Image of the north facing window 1 before alteration (interior), submitted as part of the Heritage Alteration Permit application.



Image 9: Image of the north facing window 1 after alteration (exterior), submitted as part of the Heritage Alteration Permit application.

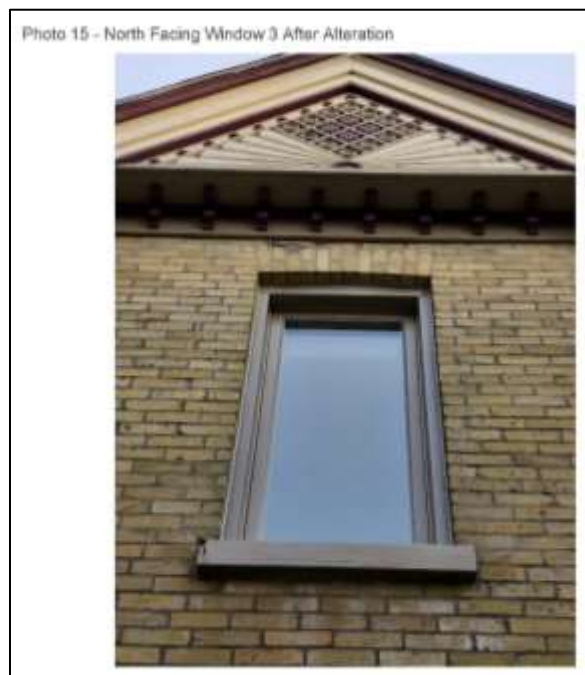


Image 10: Image of the north facing window 3 after alteration (exterior), submitted as part of the Heritage Alteration Permit application.



Image 11: Image of the south facing window 1 before alteration (interior), submitted as part of the Heritage Alteration Permit application. Circle on image identifying crack in the glass pane.



Image 12: Image of the south facing window 2 before alteration (interior), submitted as part of the Heritage Alteration Permit application. Arrow on image identifying missing sash cord.



Image 13: Image of the south facing window 1 and 2 after the alteration (exterior), submitted as part of the Heritage Alteration Permit application. The mullion between the windows appears to have been removed or clad in siding.

Appendix C – Windows – Building Conservation Guidelines

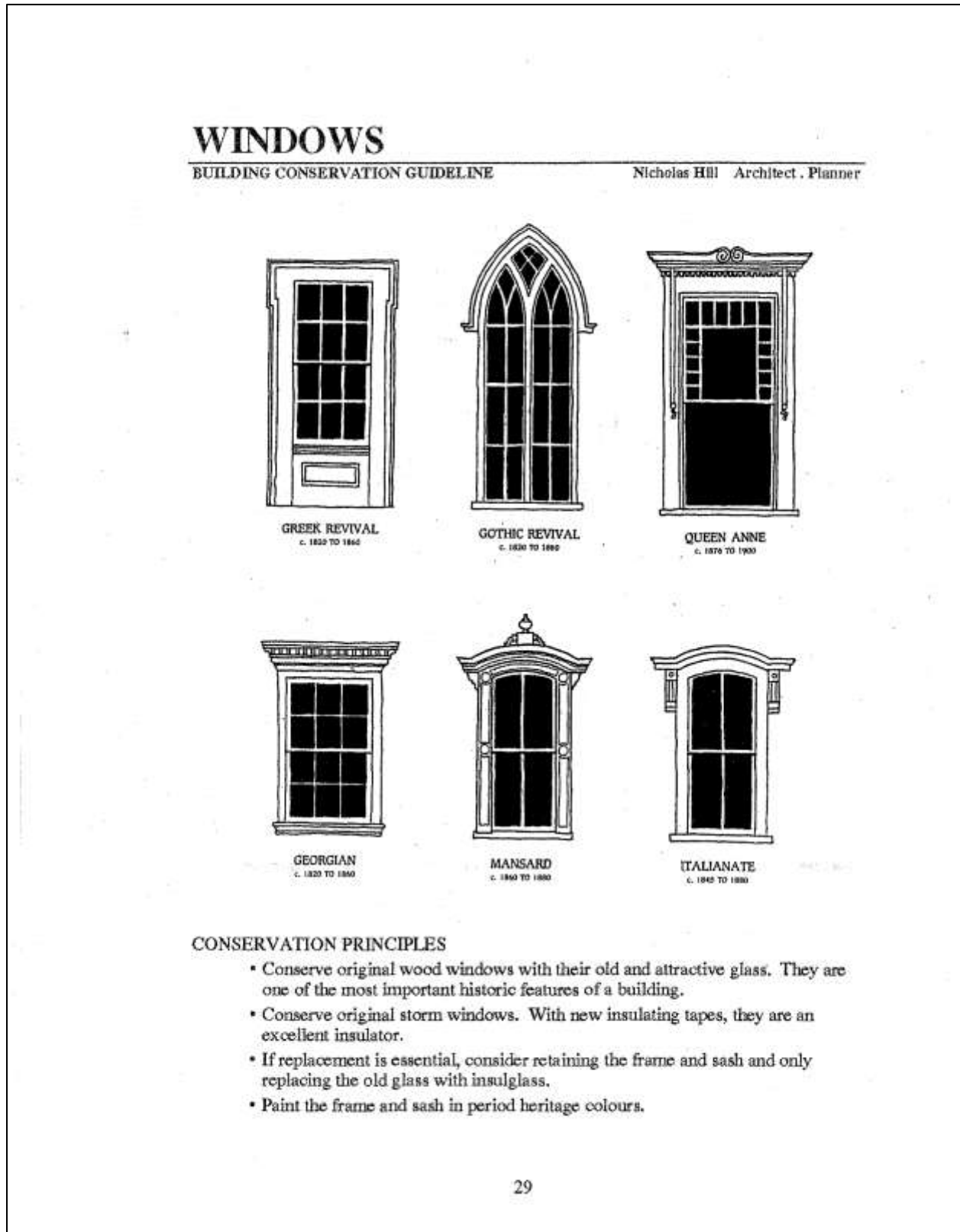


Figure 2: Extracted from the Bishop Hellmuth Heritage Conservation District Guidelines, this page identifies different windows by architectural style. As with guidelines, not all possible window variations appropriate to each architectural style are included. Not all of the architectural styles included within the Guideline are represented in the Bishop Hellmuth Heritage Conservation District. The Conservation Principles emphasize the importance of conserving original wood windows.