

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

**Meeting on:** Wednesday December 9, 2020

## Recommendation

That, on the recommendation of the 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 59 Wortley Road, within the Wortley Village-Old South Heritage Conservation District, **BE PERMITTED** with the following terms and conditions:

- a) The replacement railing on the steps be constructed of iron (metal) with a painted or powder coated finish as depicted in Appendix C; and,
- b) The Heritage Alteration Permit be displayed in a location visible from the street until the work is completed.

## Executive Summary

The front steps of the heritage designated property at 59 Wortley Road were altered without a Heritage Alteration Permit. At its meeting on September 29, 2020, Municipal Council approved with terms and conditions a Heritage Alteration Permit to correct the non-compliance with a painted wood railing on the steps.

Since then, the property owner has changed her mind and seeks approval for an iron (metal) railing on the steps. An iron railing on the steps is compatible with the heritage character of the property and the Wortley Village-Old South Heritage Conservation District and should be approved with terms and conditions.

## 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.

#### **1.4 Previous Reports**

August 12, 2020. Report to the London Advisory Committee on Heritage, Heritage Alteration Permit application by S. MacLeod at 59 Wortley Road, Wortley Village-Old South Heritage Conservation District.

At its meeting on August 12, 2020, the LACH was requested to defer consideration of the Heritage Alteration Permit application for the property at 59 Wortley Road as the property owner indicated her desire to amend her Heritage Alteration Permit application. The LACH obliged this request.

September 10, 2020. Report to the London Advisory Committee on Heritage, Amended Heritage Alteration Permit application by S. MacLeod at 59 Wortley Road, Wortley Village-Old South Heritage Conservation District.

At its meeting on September 10, 2020, the LACH considered an amended Heritage Alteration Permit application for a painted wood railing to correct the non-compliance of the alterations of the steps undertaken without a Heritage Alteration Permit. Municipal Council approved this Heritage Alteration Permit with terms and conditions at its meeting on September 29, 2020.

## **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 on 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.

Per the request of the property owner, the LACH deferred consideration of the Heritage Alteration Permit application at its September 11, 2020 meeting. Following an amendment to the details of the Heritage Alteration Permit application, Municipal

Council approved a Heritage Alteration Permit application (HAP20-015-L-a) to address the non-compliance at a previous meeting on September 29, 2020, following consultation with the LACH. The Heritage Alteration Permit was approved with terms and conditions for a painted wood railing on the front steps.

Subsequent to Municipal Council's decision, a new Heritage Alteration Permit has been submitted by the property owner for a different railing material and design for the front steps of the heritage designated property at 59 Wortley Road. The Heritage Alteration Permit received on November 13, 2020. The property owner has applied for a Heritage Alteration Permit to:

- Remove the existing railings, which were installed without Heritage Alteration Permit approval; and,
- Construct new iron (metal) railings with a powder coated or painted finish, as depicted in Appendix C.

A photograph of a similar metal railing of a different property was submitted as part of the Heritage Alteration Permit application (see Image 5, Appendix C).

The property owner has stated her intention to not pursue the previous Heritage Alteration Permit approved with terms and conditions for a painted wood railing (HAP20-015-L-a). The property owner has been advised that further details on the connection of the metal railing to the steps will be required for the required Building Permit application.

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).

Municipal Council must make a decision on this Heritage Alteration Permit application before February 11, 2021 or the alteration is deemed permitted.

#### **4.0 Analysis**

In the staff report to the LACH, dated August 12, 2020, the incompatibility of the existing metal-and-wood railing style was highlighted. Staff encouraged a more compatible railing, stating,

*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.*

The former railing of the front step of the property at 59 Wortley Road were metal with a painted finish (see Image 1, Appendix B).

A new Heritage Alteration Permit application for iron railings to accompany the existing wooden steps to the exterior door. The iron railings appear to have been custom designed, as shown in Appendix C, with a top and bottom rail and spindles set in between (spaced no greater than 4" on centre). The iron railing will have a powder coated or painted finish.

As with the previously revised Heritage Alteration Permit application, the proposed iron railings are more compatible with the heritage character of this property than the existing railings. The materials and finish presented in this Heritage Alteration Permit application are more sensitive to the heritage attributes and general details of the property and the Wortley Village-Old South Heritage Conservation District, in better compliance with the objectives and guidelines of the *Wortley Village-Old South Heritage Conservation District Plan*, than the existing non-compatible railings.

#### **5.0 Conclusion**

Alterations were undertaken to the C-rated property at 59 Wortley Road without Heritage Alteration Permit approval or a Building Permit. Retroactive Heritage Alteration Permit approval was not supported by staff in the previous report to the London

Advisory Committee on Heritage dated August 12, 2020. A revised Heritage Alteration Permit was approved with terms and conditions by Municipal Council on September 29, 2020 for a painted wood railing on the wooden steps.

This Heritage Alteration Permit application for iron railings with a painted or powder coated finish is compatible alteration and appropriate to the heritage character of the property at 59 Wortley Road and the Wortley Village-Old South Heritage Conservation District. This Heritage Alteration Permit should be approved with terms and conditions to ensure the compatibility of the iron railing for property.

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

November 30, 2020

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Appendix A Property Location

Appendix B Images

Appendix C Proposed Railing

**Link to Staff Report on the LACH Agenda, August 12, 2020 (Item 5.2)**

<https://pub-london.escribemeetings.com/Meeting.aspx?Id=18994dca-5d6a-4f13-a335-d1388a77d2b1&Agenda=Agenda&lang=English>

**Link to Staff Report on the LACH Agenda, September 10, 2020 (Item 5.5)**

<https://pub-london.escribemeetings.com/Meeting.aspx?Id=ef235bb6-11b8-46c3-ab43-0fa7f219c6d3&Agenda=Agenda&lang=English>

**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.

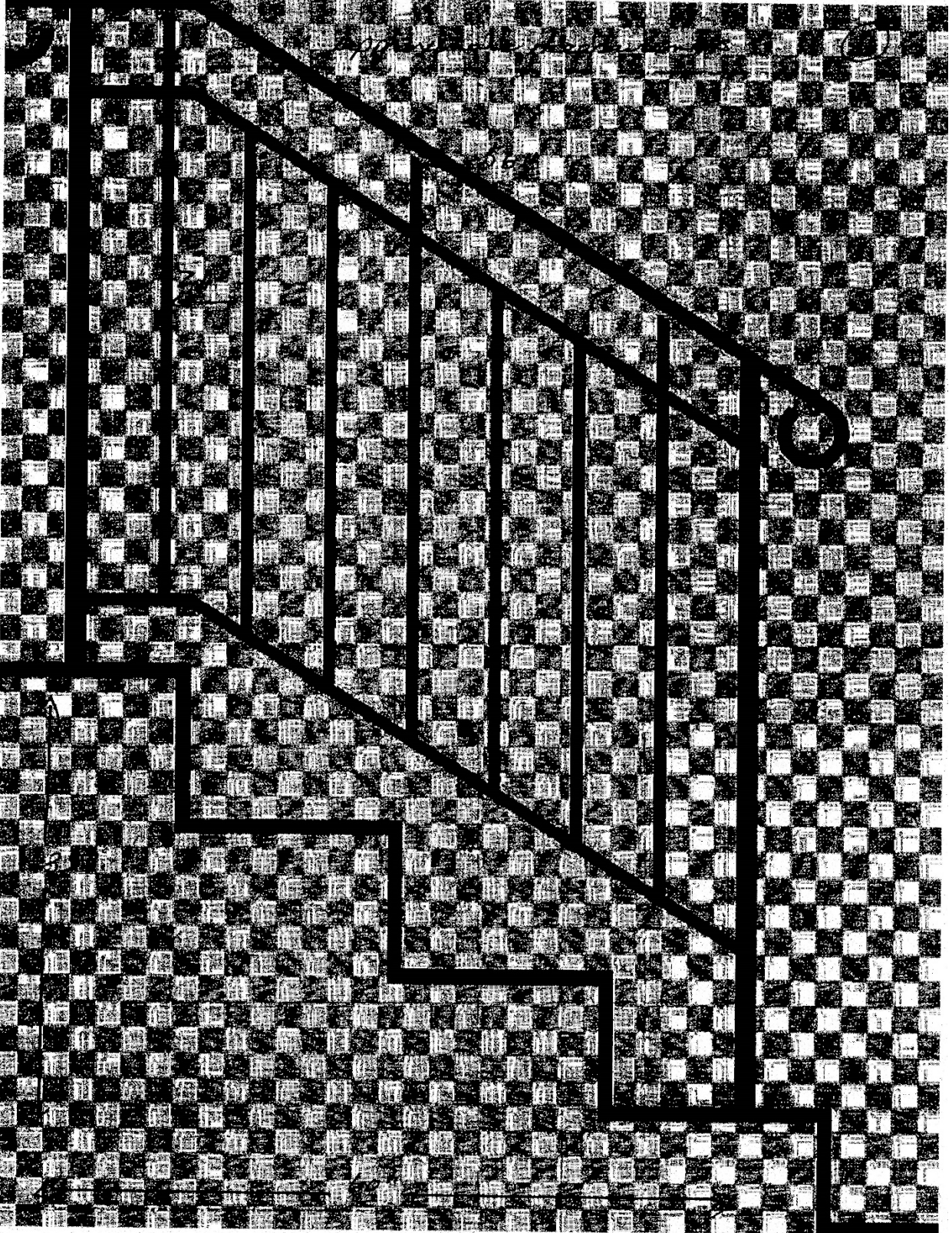


*Image 3: Detail photograph of the new front steps of the property at 59 Wortley Road.*

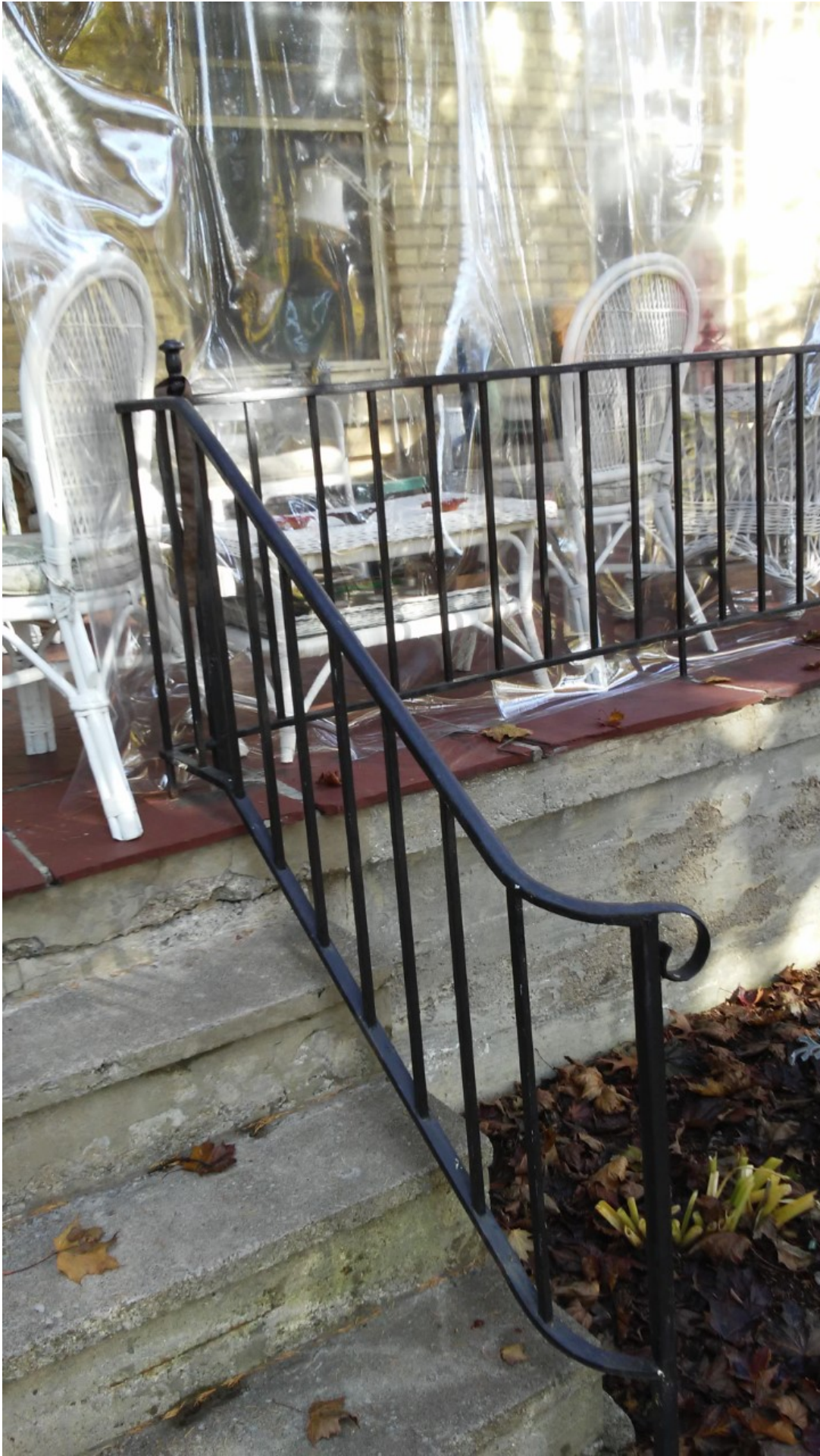


*Image 4: Photograph showing the front steps of the property at 59 Wortley Road, after being painted.*



**Appendix C – Proposed Railing**

*Figure 2: Drawing for the proposed iron railing included as part of the Heritage Alteration Permit application submitted for the property at 59 Wortley Road. The annotations on the drawings are not legible, but read: overall height of steps – 32", overall length of steps – 60", length of railings – 56", spindles no farther apart than the mandatory maximum of 4".*



*Image 5: The above image was included as part of the Heritage Alteration Permit application to visually articulate the proposed replacement railing.*