

## 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. Pease at 61  
 Wilson Avenue, Blackfriars/Petersville 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 retroactive approval for the alterations to the heritage designated property at 61 Wilson Avenue, within the Blackfriars/Petersville Heritage Conservation District, **BE PERMITTED** as submitted in the drawings attached as Appendix C with terms and conditions that all exposed wood be painted within one year of Municipal Council's decision.

## Executive Summary

The property at 61 Wilson Avenue is a Contributing Resource to the Blackfriars/Petersville Heritage Conservation District. Alterations were made to the porch without Building Permit or a Heritage Alteration Permit. The property owner has submitted an application seeking retroactive approval for the porch alterations. Provided that the porch is painted, it should be approved.

## Analysis

### 1.0 Background

#### 1.1 Location

The property at 61 Wilson Avenue is located on the east side of Wilson Avenue between Rogers Avenue and Riverside Drive (Appendix A).

#### 1.2 Cultural Heritage Status

The property at 61 Wilson Avenue is located within the Blackfriars/Petersville Heritage Conservation District, which was designated pursuant to Part V of the *Ontario Heritage Act* in 2015. The property at 61 Wilson Avenue is a Contributing Resource to the Blackfriars/Petersville Heritage Conservation District.

#### 1.3 Description

The dwelling at 61 Wilson Avenue was constructed in circa 1900. It is a one-and-a-half storey vernacular buff brick dwelling with large gable roof (Appendix B). A porch spans the front of the house. The gable is clad in painted wood shingles. The windows were replaced and metal roof installed prior to the designation of the property as part of the Blackfriars/Petersville Heritage Conservation District in 2015.

### 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 Blackfriars/Petersville Heritage Conservation District Plan**

The Blackfriars/Petersville Heritage Conservation District is recognized for its significant cultural heritage value, not just for its individual cultural heritage resources (Contributing Resources) but for the value that they have together, collectively. The goals of the designation of Blackfriars/Petersville as a Heritage Conservation District pursuant to Part V of the *Ontario Heritage Act* support the conservation of its resources. Specifically for its cultural heritage resources:

*Goal: To encourage the conservation of contributing heritage resources including buildings, landmarks, and other structures that contribute to the cultural heritage value of the district by:*

- *Encouraging that alterations, additions, and renovations to heritage resources be consistent with the identified cultural heritage value of the area;*
- *Encouraging the maintenance and retention of significant heritage landmarks identified in the district;*
- *Avoiding unnecessary demolition and inappropriate alterations of identified heritage resources that contribute to the heritage value of the district; and,*
- *Encouraging sympathetic design and appropriate alterations when new development is proposed to ensure that there is no negative impact on the*

*heritage value of the area, with particular attention to form, scale, massing, and setback.*

To implement this goal and these objectives, the policies of Section 7.4 (Contributing Resources), Section 7.7 (Residential Area), and the design guidelines of Section 10.3.1 (Design Guidelines – Alterations and Additions) and applicable Architectural Conservation Guidelines of Section 11 were considered in the evaluation of a Heritage Alteration Permit application.

The Blackfriars/Petersville Heritage Conservation District Plan identifies Contributing Resources and Non-Contributing Resources. The property at 61 Wilson Avenue is identified as a Contributing Resource. Contributing Resources are defined as “a property, structure, landscape element, or other attribute of a Heritage Conservation District that supports the identified cultural heritage values, character, and/or integrity of the H CD. Contributing Resources are subject to the policies and guidelines for conservation, alteration, and demolition.”

The policies of Section 7.4.1 of the *Blackfriars/Petersville Heritage Conservation District Plan* require the conservation of a Contributing Resource and the cultural heritage value of the Blackfriars/Petersville Heritage Conservation District. In particular,

- Policy 7.4.1.e *Alterations that have the potential to impact heritage attributes of a protected heritage resource shall not be permitted.*
- Policy 7.4.1.i *Major alterations to the exterior façade of a contributing resource shall not be permitted. Such alteration should only be considered where the intent is to conserve the contributing resource.*
- Policy 7.4.1.j *Additions or alterations to contributing resources should be sympathetic, subordinate, distinguishable, and contextual in relation to the existing resource and its context, as well as the heritage attributes and cultural heritage value of the Blackfriars/Petersville Heritage Conservation District.*

In the *Blackfriars/Petersville Heritage Conservation District Plan* porches are noted as “additions to the basic house that provide shelter, a place to see from and to be seen in, an semi-public outdoor room largely exposed to passersby where social interaction is possible and encouraged”. The *Blackfriars/Petersville Heritage Conservation District Plan* provides guidelines for porch alterations in Section 11.2.0. The *Blackfriars/Petersville Heritage Conservation District Plan* directs:

- *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;*
- *When restoring a porch that is either intact or completely demolished, 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;*
- *Fiberglass and plastic versions of decorative trims should be avoided. Poor interpretation of the scale or design of applied decoration detracts from the visual appearance and architectural coherence of porches and verandahs;*
- *Install and maintain a porch apron*

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

#### **3.1 Heritage Alteration Permit**

A complaint from the community brought the unapproved alterations to the property at 61 Wilson Avenue to the attention of the City on March 11, 2020.

Drawings were submitted to the City, however the drawings were not complete. Revised drawings were subsequently submitted to the City for a Building Permit application, which were forwarded for inclusion as part of the Heritage Alteration Permit application which was subsequently received as complete.

A complete Heritage Alteration Permit application was received on November 26, 2020. The applicant has applied for a Heritage Alteration Permit seeking approval for:

- Retroactive approval for the porch alterations completed without Heritage Alteration Permit approval (see porch drawings in Appendix C).

As the alterations have commenced prior to obtaining Heritage Alteration Permit approval, the 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*, the 90-day timeline for this Heritage Alteration Permit application will expire on February 24, 2021.

#### **4.0 Analysis**

The policies and guidelines for the *Blackfriars/Petersville Heritage Conservation District Plan* support the conservation of Contributing Resources and their heritage attributes. It is challenging when retroactive approval for alterations completed without a Heritage Alteration Permit are sought.

No historic documentation of the porch or porch detailing for the property at 61 Wilson Avenue could be located. The former porch was a painted wood porch, with simple detailing (see Image 1, Appendix B). The porch, constructed without Building Permit or Heritage Alteration Permit approval, is a wood porch with similar simple details (see Images 3-4, Appendix B).

The railings/guard of the porch are sufficiently compliant with the general direction of the applicable guidelines in the *Blackfriars/Petersville Heritage Conservation District Plan* provided that the exposed wood is painted. Painting the porch would provide a level of finish equivalent to the former porch and in a manner consistent with other replacement porches in the Blackfriars/Petersville Heritage Conservation District.

Recognizing that this Heritage Alteration Permit application is being brought to the LACH for its December 2020 meeting, and not anticipated to receive a decision from Municipal Council until January 2021, as well as the seasonal limitations of exterior painting, the porch should be painted within one year of Municipal Council's decision.

#### **5.0 Conclusion**

The property at 61 Wilson Avenue is a Contributing Resource that supports the cultural heritage value of the Blackfriars/Petersville Heritage Conservation District. The Heritage Alteration Permit application process is intended to support the conservation of cultural heritage resources and ensure that their heritage attributes are conserved.

To achieve more consistent compliance with the former porch and other porches in the Blackfriars/Petersville Heritage Conservation District, the porch of the property at 61 Wilson Avenue should be painted as a term and condition of the retroactive Heritage Alteration Permit approval. An appropriately detailed and finished porch will support the conservation of this property and the Blackfriars/Petersville Heritage Conservation District pursuant to the applicable policy direction of the *Blackfriars/Petersville Heritage Conservation District Plan*.

<b>Prepared by:</b>	<b>Kyle Gonyou, CAHP Heritage Planner</b>
<b>Submitted and 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 Porch Drawings

#### **Sources**

Corporation of the City of London. N.d. Property Files: 61 Wilson Avenue.  
Corporation of the City of London. (2019). *Register of Cultural Heritage Resources*. London: ON.  
Corporation of the City of London. (2016, consolidated 2019, November 13). *The London Plan*. London: ON.  
Corporation of the City of London. (2015). *Blackfriars/Petersville Heritage Conservation District Plan & Guidelines*. London: ON.  
Corporation of the City of London. (1989). *The 1989 Official Plan*. London: ON.  
Ontario Heritage Act. (2019, c. 9, Sched. 11). Retrieved from e-Laws website <https://www.ontario.ca/laws/statute/90o18>.  
Ministry of Municipal Affairs and Housing. (2020). *Provincial Policy Statement, 2020*. Ontario: Queen's Printer for Ontario.

**Appendix A – Location**



Figure 1: Location of the subject property at 61 Wilson Avenue in the Blackfriars/Petersville Heritage Conservation District.

**Appendix B – Images**



*Image 1: Image of the property at 61 Wilson Avenue in October 2018 (courtesy Google).*



*Image 2: Photograph, taken March 11, 2020, showing work underway on the property at 61 Wilson Avenue.*



Image 3: Photograph of the property at 61 Wilson Avenue, taken June 30, 2020, showing the porch.



Image 4: Detail of the porch at 61 Wilson Avenue.



Appendix C – Porch Drawings

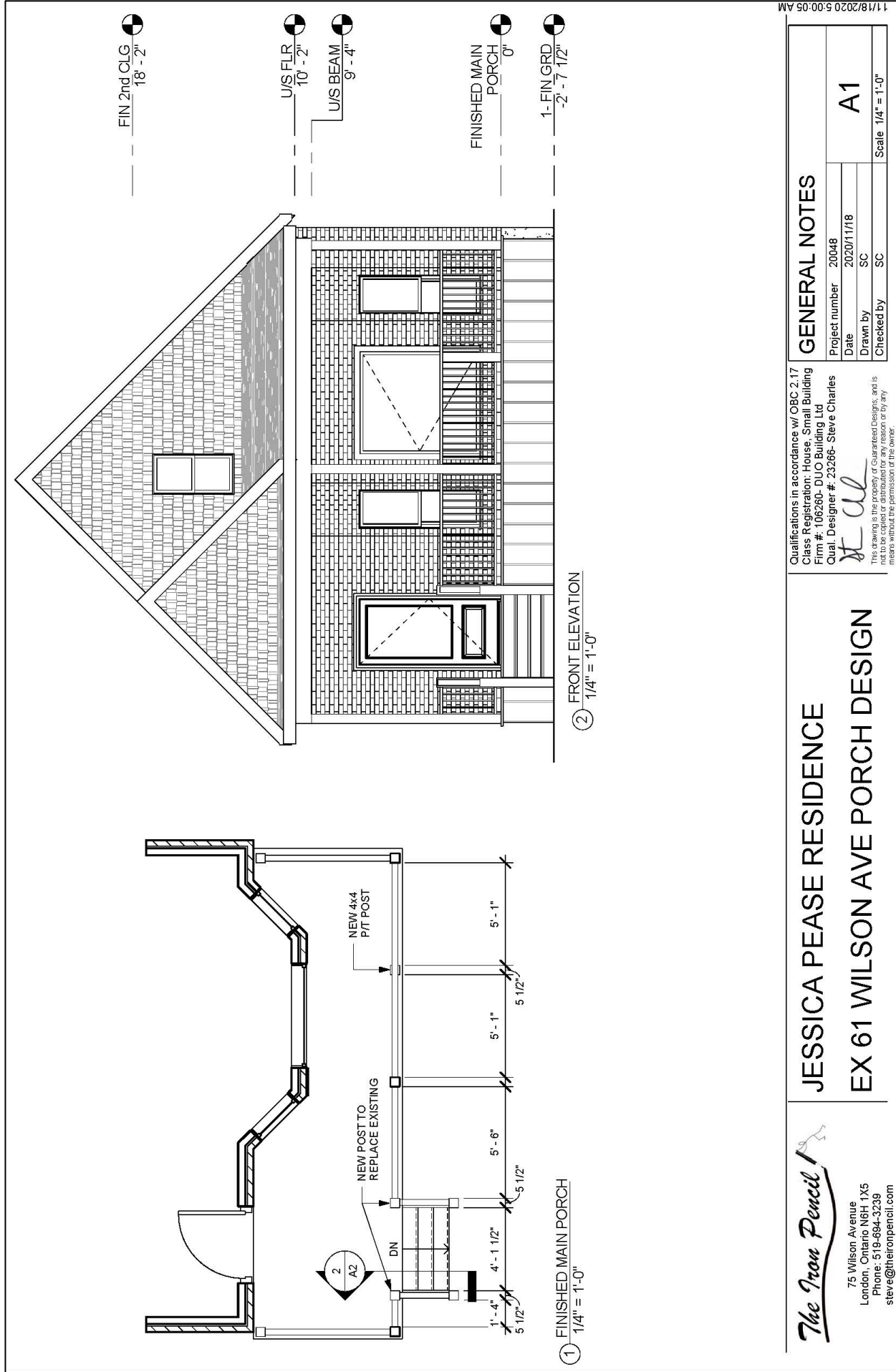


Figure 2: Drawing submitted for the porch at 61 Wilson Avenue.

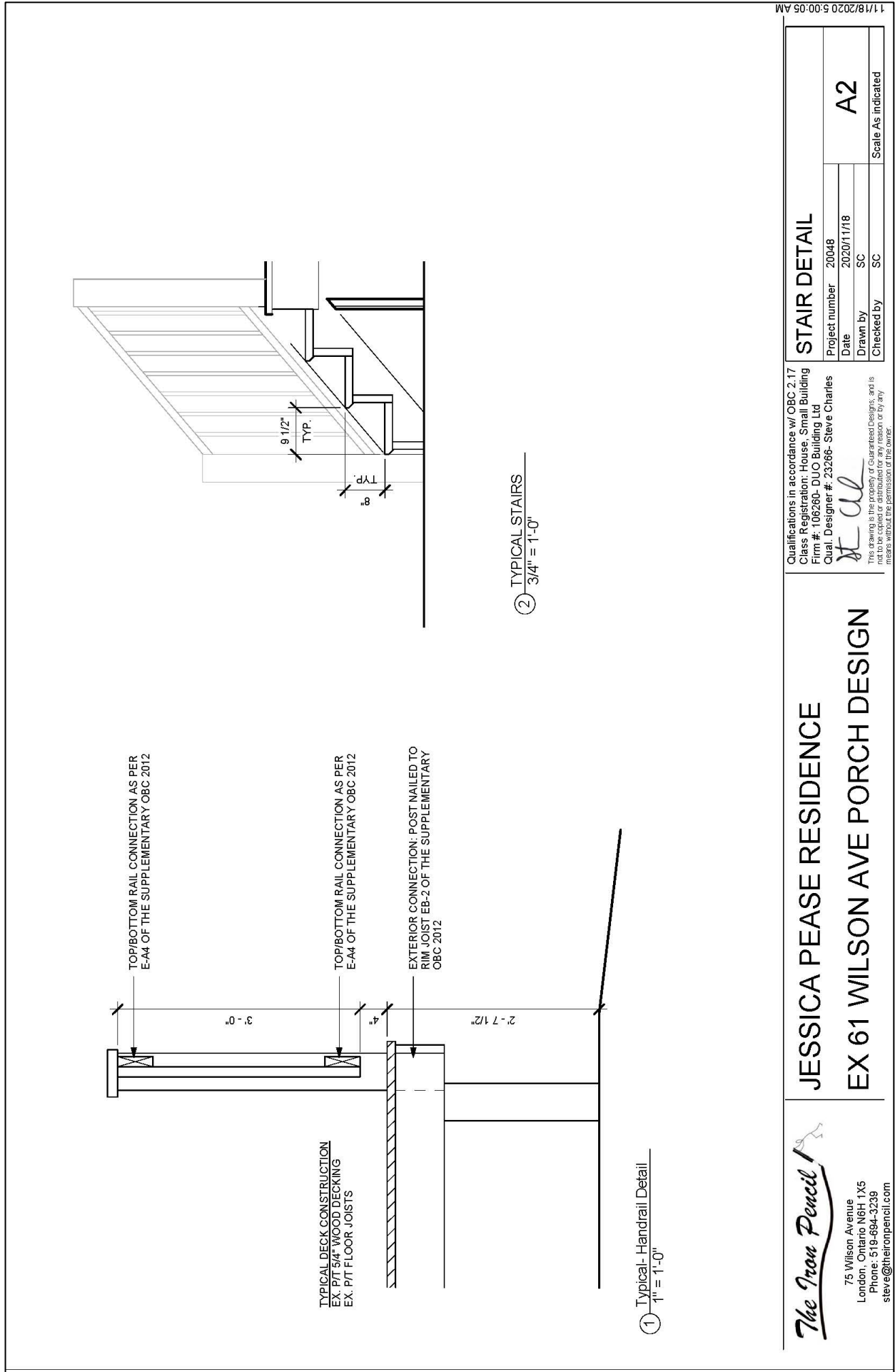


Figure 3: Drawing submitted for the porch at 61 Wilson Avenue.