

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 C. Hawkins at 574 Maitland Street, East Woodfield Heritage Conservation District
Date: April 14, 2021

Recommendation

That, on the recommendation of the Director, City Planning and City Planning, with the advice of the Heritage Planner, the application under Section 42 of the *Ontario Heritage Act* seeking retroactive approval for alterations to the heritage designated property at 574 Maitland Street, in the East Woodfield Heritage Conservation District, **BE APPROVED** with the following terms and conditions:

- a) Exterior grilles be added to the double-hung windows to create a simulated divided lite pattern on the exterior of the windows;
- b) The Heritage Alteration Permit be displayed in a location visible from the street until the work is completed.

Executive Summary

The property at 574 Maitland Street contributes to the heritage character of the East Woodfield Heritage Conservation District. Alterations were undertaken to the property prior to obtaining Heritage Alteration Permit approval. As the alterations commenced prior to obtaining Heritage Alteration Permit approval, this Heritage Alteration Permit application has met the terms and conditions for referral requiring consultation with the London Advisory Committee on Heritage. This Heritage Alteration Permit seeks retroactive approval for the replacement of six windows with six new vinyl, double-hung windows. The recommended action is to permit the alterations provided that exterior grilles be added to the replacement windows to create a simulated divided lite pattern that brings the replacement windows into better compliance with the *East Woodfield Heritage Conservation District Plan*.

Linkage to the Corporate Strategic Plan

This recommendation supports the following 2019-2023 Strategic Plan areas of focus:

- Strengthening Our Community:
 - Continuing to conserve London's heritage properties and archaeological resources.

Analysis

1.0 Background Information

1.1 Property Location

The property at 574 Maitland Street is located on the east side of Maitland Street, between Central Avenue and Princess Avenue (Appendix A).

1.2 Cultural Heritage Status

The property at 574 Maitland Street is located within the East Woodfield Heritage Conservation District, which was designated pursuant to Part V of the *Ontario Heritage Act* by By-law No. L.S.P.-3179-68. The East Woodfield Heritage Conservation District came into force and effect on May 6, 1993.

1.3 Description

The existing dwelling at 574 Maitland Street was constructed prior to 1881, originally for Henry Emigh, a metalworker employed by the Grand Trunk Railway. The dwelling on the property consists of a 2-storey buff brick dwelling constructed with Italianate stylistic influences. The front of the dwelling includes a 2-storey porch that is currently being re-constructed based on a previously-approved Heritage Alteration Permit (HAP20-024-D). The front entryway includes a curved wood detail in the transom and sidelights (Appendix B). This section of Maitland Street is noted in the East Woodfield Heritage Conservation District as “extremely diverse, with a variety of architectural styles and different setbacks but it retains much of its original character” (*East Woodfield Heritage Conservation District Study: Heritage Assessment Report*, 1992).

2.0 Discussion and Considerations

2.1 Legislative and Policy Framework

Cultural heritage resources are to be conserved and impacts assessed as per the fundamental policies in the *Provincial Policy Statement* (2020), the *Ontario Heritage Act*, *The London Plan* and the *Official Plan* (1989 as amended).

2.1.1 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” (Policy 2.6.1, *Provincial Policy Statement* 2020).

“Significant” is defined in the *Provincial Policy Statement* (2020) as, “resources that have been determined to have cultural heritage value or interest.” Further, “processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the *Ontario Heritage Act*.”

Additionally, “conserved” means, “the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained.”

2.1.2 Ontario Heritage Act

The *Ontario Heritage Act* enables municipalities to protect properties of cultural heritage value or interest. Properties of cultural heritage value can be protected individually, pursuant to Section 29 of the *Ontario Heritage Act*, or where groups of properties have cultural heritage value together, pursuant to Section 41 of the *Ontario Heritage Act* as a Heritage Conservation District (HCD). Designations pursuant to the *Ontario Heritage Act* are based on real property, not just buildings.

2.1.2.1 Heritage Alteration Permit

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* (OHA) 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*).

2.1.2.2 Contraventions 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 for an individual and \$250,000 for a corporation.

When amendments to the *Ontario Heritage Act* in Bill 108 are proclaimed in force and effect, the maximum fine for the demolition or removal of a building, structure, or heritage attribute in contravention of Section 42 of the *Ontario Heritage Act* will be increased to \$1,000,000.

2.1.3 The London Plan/Official Plan

The London Plan is the new official plan for the City of London (Municipal Council adopted, approved by the Ministry of Municipal Affairs and Housing with modifications, and the majority of which is in force and effect). *The London Plan* policies under appeal to the Local Planning Appeal Tribunal (Appeal PL170100) and not in force and effect are indicated with an asterisk throughout this report. *The London Plan* policies under appeal are included in this report for informative purposes indicating the intent of Municipal Council, but are not determinative for the purposes of this application.

The policies of *The London Plan* found in the Key Directions and Cultural Heritage chapter support the conservation of London's cultural heritage resources for future generations. To ensure the conservation of significant cultural heritage resources, including properties located within a Heritage Conservation District, the policies of *The London Plan* provide the following direction:

*Policy 594_ * Within heritage conservation districts established in conformity with this chapter, the following policies shall apply:*

- 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 596_ A property owner may apply to alter a property within a heritage conservation district. The City may, pursuant to the Ontario Heritage Act, issue a permit to alter the structure. In consultation with the London Advisory Committee on Heritage, the City may delegate approvals for such permits to an authority.

2.1.4 East Woodfield Heritage Conservation District Plan

The intent of the East Woodfield Heritage Conservation District (HCD) is to guide and manage physical change and development within the HCD. Municipal Councils intends to undertake this by:

- *adopting the East Woodfield Heritage Conservation District Plan;*
- *determining permit applications for changes and alterations according to the guidelines containing in the East Woodfield Heritage Conservation District Plan; and,*
- *initiating appropriate public works and improvements that are within the financial capabilities of the Corporation of the City of London.*

Further, Municipal Council recognizes that:

- *many heritage buildings over the past decades have witnessed the introduction of a variety of changes to building fabric including additions, at the rear, side and in roof spaces;*
- *change in East Woodfield's built heritage is to be expected in the future, yet it must be carefully managed in a manner that does not adversely affect this special environment;*
- *any proposed change within the district shall be considered;*

- *within a number of Council approved conservation, design, landscaping and planning guidelines; and*
- *with consideration of the individual merits of the proposed change.*

To support these intentions, the goals and objectives of Section 2.0, *East Woodfield Heritage Conservation District Plan (Part II)* (East Woodfield District Conservation Goals and Objectives) were developed to provide a framework for more specific guidance within the HCD. Section 2.1 (District Conservation Goals) state the following as goals of the HCD:

- *To maintain and enhance the residential character of East Woodfield Heritage Conservation District;*
- *To protect and enhance existing heritage residential buildings; and,*
- *To avoid destruction of East Woodfield's heritage building and landscape fabric and to encourage only those changes that are undertaken in a manner that if such alterations or additions were removed in the future, the essential form and integrity of the heritage property would remain unimpaired.*

To implement the intent, as well as the goals and objectives of the East Woodfield Heritage Conservation District, the conservation guidelines included within Section 3.7, *Part II* (Windows and Doors), as well as the guidelines included in Section 4.2.3, *Part II* (Windows) were considered in the evaluation of this Heritage Alteration Permit application.

The applicable conservation guidelines from Section 3.7 (Windows and Doors) of the East Woodfield Heritage Conservation District Plan, Part II note:

“Replacement wooden windows or doors should be completed in kind. Aluminum, coated metal or vinyl units are not recommended as replacements. A replacement window or door should match the original in style, shape, placement and be based on the use of historic photographs when available to meet the above criteria.”

The applicable guidelines for alterations, additions, and new construction from Section 4.2.3 (Windows) of the East Woodfield Heritage Conservation District, Part II include the following guidance:

1. *Protect and maintain original window openings as well as their distinguishing features such as materials, frame, sash, muntins, surrounds, glazing, stained glass and shutters.*
2. *Avoid removing or blocking up windows that are important to the architectural character of the building.*
3. *Changing the glazing pattern of windows by cutting new openings, removing muntins, installing “snap-in” muntins or obscuring window trim with metal or material should be discouraged.*
4. *New windows should be installed on rear or other inconspicuous elevations wherever possible.*
5. *New window design that is compatible with the overall character of the building is to be encouraged but it should not duplicate the historical fenestration pattern.*

2.2 Heritage Alteration Permit (HAP21-027-L)

The property at 574 Maitland Street is included within the East Woodfield Heritage Conservation District. Window replacement within the East Woodfield Heritage Conservation District requires Heritage Alteration Permit approval pursuant to Section 42(1) of the *Ontario Heritage Act*.

Alterations to the windows on the dwelling at 574 Maitland Street were undertaken prior to obtaining Heritage Alteration Permit approval. The unapproved alterations included the removal of six double-hung, wood sash windows and the installation of six new double-hung, vinyl windows.

A Heritage Alteration Permit application was submitted on March 25, 2021. The Heritage Alteration Permit application (HAP21-027-L) seeking:

- Retroactive approval for the removal of six double-hung, wood sash windows; and,
- Installation of six new double-hung, vinyl windows with interior grilles installed between the glass.

Follow-up consultation with the property owner confirmed that the owner wishes to add exterior grilles to the glazing of the window to create a simulated divided lite pattern on the exterior of the windows. The owner has proposed to add the exterior grilles in order to bring the new windows into better compliance with the guidelines of the East Woodfield Heritage Conservation District.

Per Section 42(4) of the *Ontario Heritage Act*, the 90-day timelines for this Heritage Alteration Permit will expire on June 23, 2021.

3.0 Financial Impact/Considerations

None.

4.0 Key Issues and Considerations

The review of the proposed window replacement proposed within this Heritage Alteration Permit application considers the principles, policies, and guidelines of the East Woodfield Heritage Conservation District.

In consulting with the property owner, the previous windows were removed prior to obtaining Heritage Alteration Permit approval, with the owner noted that the previous windows were “cracked” and had aluminum storms that were not appropriate in size. The replacement units consist of six new double-hung, vinyl windows fit into the existing window openings. The windows were installed with interior grilles between the panes of glass (referred to in the *East Woodfield Heritage Conservation District Plan* as “snap-in” muntins). Interior grilles poorly replicate the profiles of historic wood windows and are discouraged as a window treatment.

The retention and repair, if possible, of the previous wood windows would have been preferable as the conservation of original window opening and their distinguishing features is prioritized in the East Woodfield Heritage Conservation District. Though replaced with a material that is not generally supported in the East Woodfield Heritage Conservation District, the replacement windows are a compatible size and style. To better address the non-compliance, the owner has proposed to apply exterior grilles to the windows to create a simulated divided lite appearance. The intent of the simulated divided lite application is to bring the windows into better compliance and improve the compatibility of the replacement windows.

Conclusion

The alterations to the windows at 574 Maitland Street in the East Woodfield Heritage Conservation District were undertaken prior to obtaining Heritage Alteration Permit approval. The applicant is seeking retroactive approval for the non-compliant windows. The applicant is also proposing to install exterior grilles to the windows in order to address the non-compliance matters and to make the new windows more compatible with properties located within the East Woodfield Heritage Conservation District.

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Appendix A Property Location
Appendix B Images

Sources

Corporation of the City of London. *East Woodfield Heritage Conservation District Plan*. 1992.

Corporation of the City of London. *Downtown Heritage Conservation District Plan*. 2013.

Corporation of the City of London. *Register of Cultural Heritage Resources*. 2019.

Corporation of the City of London. *2019-2023 Strategic Plan*.

Corporation of the City of London. *The London Plan*. 2019 (consolidated).

Ontario Heritage Act. 2019, c.9, Sched. 11. Retrieved from

<https://www.ontario.ca/laws/statute/90o18>.

Appendix A – Location Map

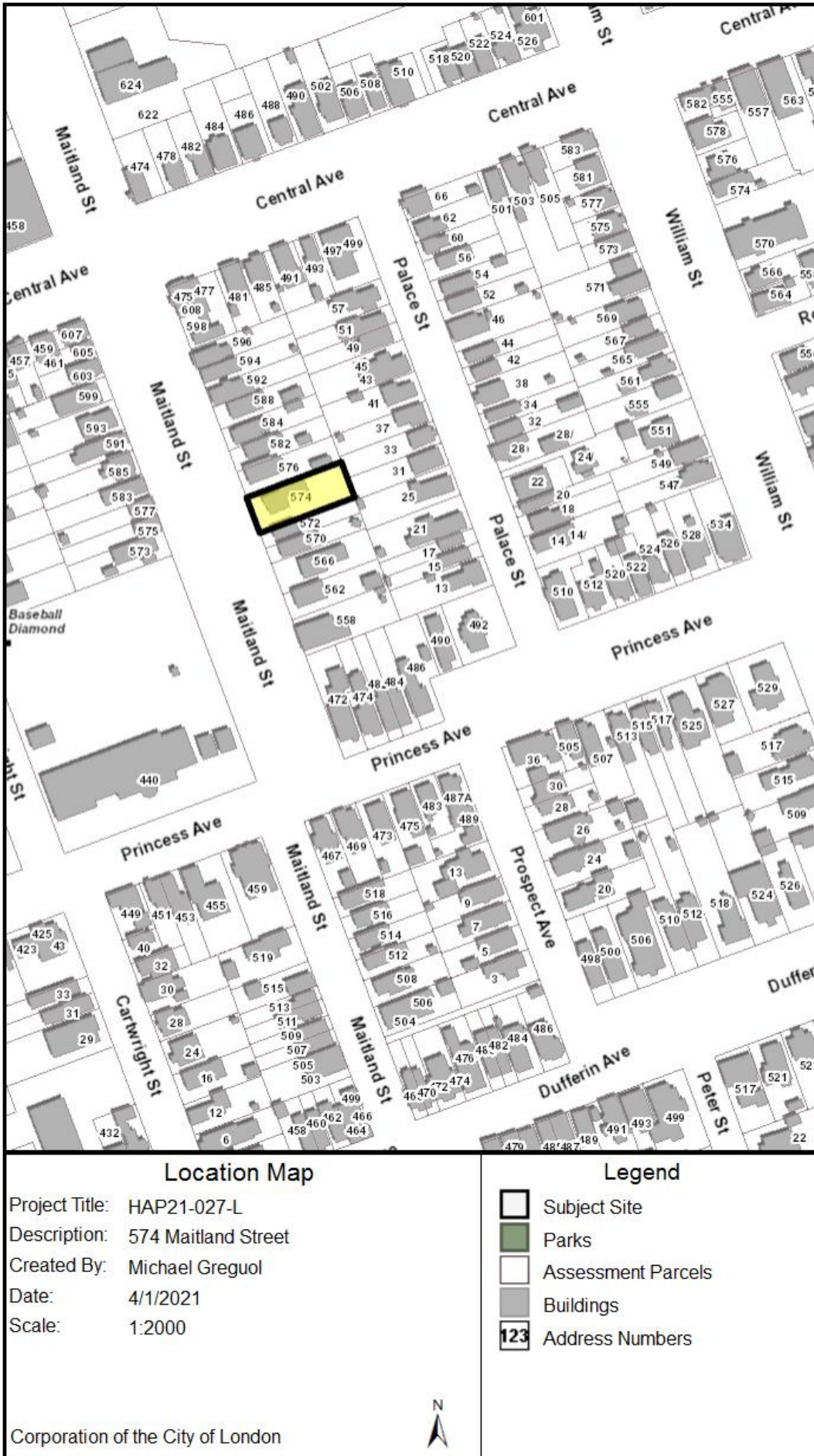


Figure 1: Location map of the property located at 574 Maitland Street.

Appendix B – Images



Image 1: Photograph of the dwelling at 574 Maitland Street as depicted in the East Woodfield Heritage Conservation District Study, 1992.



Image 2: Photograph showing the subject property at 574 Maitland Street prior to alterations (2020).



Image 3: Photograph of the property at 574 Maitland Street showing unapproved window alterations being undertaken, February 2021.



Image 4: Photograph of the property at 574 Maitland Street showing completed window alterations, March 2021.