

Report to London Advisory Committee on Heritage

To: Chair and Members
London Advisory Committee on Heritage
From: Gregg Barrett, Director, Planning and Development
Subject: Heritage Alteration Permit application at 330 St James Street,
Bishop Hellmuth Heritage Conservation District by P. Brown
Date: Wednesday June 9, 2021

Recommendation

That, on the recommendation of the Director, Planning and Development, with the advice of the Heritage Planner, the application under Section 42 of the *Ontario Heritage Act* seeking approval and retroactive approval for alterations to the heritage designated property at 330 St James Street, in the Bishop Hellmuth Heritage Conservation District, **BE PERMITTED** with the following terms and conditions:

- a) The porch skirt be painted to minimize the plastic and faux wood appearance of the material;
- b) The property owner be encouraged to plant and maintain vegetation, such as coniferous shrubs, to minimize the visibility of the porch skirt;
- c) The Heritage Alteration Permit be displayed in a location visible from the street until the work is completed.

Executive Summary

Alterations were undertaken to the heritage designated property at 330 St. James Street, located within the Bishop Hellmuth Heritage Conservation District, without Heritage Alteration Permit approval. A previous Heritage Alteration Permit application, which sought retroactive approval, was refused by Municipal Council.

This new Heritage Alteration Permit seeks to better comply with the direction of the *Bishop Hellmuth Heritage Conservation District Plan* by replacing the non-compliant vinyl railing system with a more appropriate painted wood railing with turned spindles. The porch skirt is proposed to be painted to minimize its plastic and faux wood appearance, with plantings to obscure its visibility. The existing porch deck is requested to be retained. These alterations should be permitted with terms and conditions to bring the property into better compliance with the direction of the *Bishop Hellmuth 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 330 St James Street is located on the north side of St. James Street between Hellmuth Avenue and Waterloo Street (Appendix A).

1.2 Cultural Heritage Status

The property at 330 St James Street is located within the Bishop Hellmuth Heritage Conservation District, which was designated pursuant to Part V of the *Ontario Heritage Act* in 2003 by By-law No. L.S.P.-3333-305.

1.3 Property Description

The dwelling located at 330 St James Street was constructed in circa 1906. It is a two-and-a-half storey buff brick dwelling which demonstrates elements or influences of the Queen Anne Revival architectural style that characterizes the Bishop Hellmuth Heritage Conservation District. These elements include: the asymmetrical massing with the double-storey bay and gable, wood shingle imbrication in the gables, rounded roof of the dormer, wood door and transom, and the porch.

The porch is located on the westerly two-thirds (approximately) of the main (south) façade of the dwelling. Accessed via steps, the nearly flat roof of the porch is supported by paired columns (with engaged columns at the building's face) set on rusticated block plinths. The porch had a low balustrade composed of heavy, turned spindles set between a top and bottom rail. The porch also featured a skirt, composed of framed lattice. The porch was constructed of wood with a painted finish.

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 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 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.^a*

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 Bishop Hellmuth Heritage Conservation District Plan

The authenticity and architectural integrity of the Queen Anne Revival architectural style of the Bishop Hellmuth area some of the reasons why the area was designated as a Heritage Conservation District pursuant to Part V of the *Ontario Heritage Act* in 2003. The quality and consistency of the homes, predominantly built between 1895 and 1910

^a Policy 13.3.6 of the *Official Plan* (1989, as amended) contains very similar policy language applicable to Heritage Conservation Districts. Specifically, Policy 13.3.6.iii: "regard shall be had at all times to the guidelines and intent of the Heritage Conservation District Plan."

mainly in the Queen Anne Revival style, is highlighted in the *Bishop Hellmuth Heritage Conservation District Plan*.

Physical goals of the designation of the Bishop Hellmuth area as a Heritage Conservation District, in Section 3 of the *Bishop Hellmuth Heritage Conservation District Plan*, are:

- *To encourage the retention and conservation of historic buildings and landscapes;*
- *To guide the design of new work to be compatible with the 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 implement these goals, policies are established to manage change within the Bishop Hellmuth Heritage Conservation District. Section 4.2 provides policies for building alterations including the following guiding principles:

- *Identify the architectural style – the architectural style of the building should be identified to ensure the building alterations are in keeping with the style and its characteristics.*
- *Preserve historic architectural features – alterations should preserve important architectural features of the main building.*
- *Conserve rather than replace – original building materials, features and finishes should be repaired and conserved rather than replaced, when possible. The original has greater historical value.*
- *Replicate in keeping – when replacing building features, they should be duplicated or be in keeping with the character of the original.*
- *Record changes – 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.*
- *Save removed architectural features – historic materials 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.*

The following policies are applicable for verandahs (porches):

80% of the buildings in the heritage district have verandahs, most of which are decorative highlights of the front façade. Together with stained glass windows and decorative gables, the conservation of verandahs is a high priority. Alterations should ensure their conservation, particularly the original posts, handrails and brackets. If parts are to be replaced, they should duplicate the original. Closing in of verandahs is discouraged as not in keeping with the character of the district.

Section 6.1, Work Requiring Approval, clearly identifies verandah (porch) changes as requiring Heritage Alteration Permit approval.

Conservation Principles for porches in the *Bishop Hellmuth Heritage Conservation District Guidelines* emphasize the importance of duplicating originals, or appropriate existing, when repairing. It states, “it is important to avoid such incompatible changes and to conserve the original appearance of an historic porch.”

Guidelines for porch replacement include details for the following: style, foundation, floor, steps, skirting, posts, handrail, spindles, and decorative features.

Floor – porch floors were typically 7/8” deep, 6” wide, tongue-and-groove planks of Douglas fir. This makes for a sound floor and is preferable to the 3/4” deep planks more commonly manufactured today.

Steps – porch steps were traditionally constructed with wood stringers, risers and treads. This should be continued. Precast concrete, while requiring less maintenance, do not belong on an historic building and should be avoided. The riser and tread dimensions should comply with the OBC. Risers should not exceed 7/8”. A comfortable rise is between 7” and 7&1/2”.

Skirting – the porch skirting which closes in the area under the raised floor should be of wood and in the architectural style of the building. Typically, skirts were either wood diagonal or rectangular lattice of vertical wood slats.

Handrail – Handrails and newel posts should match the post style. Typically old handrails were 30” high. Today, the OBC requires 36” to 42”, depending on circumstances. This can upset the original proportions of the porch. A partially successful remedy is to build the handrail to the traditional height and add a second higher rail in slender metal pipe that does not clash with the original. This should be discussed with the building inspector.

Spindles – traditionally, spindles were 1&3/4” square and 3&1/2” apart between centres. Frequently new spindles are thinner and further apart. This should be avoided as the rail looks weak and light-weight.

2.2 Heritage Alteration Permit (HAP21-001-L)

A previous Heritage Alteration Permit application was submitted by the property owner and received on December 23, 2020. The Heritage Alteration Permit application (HAP21-001-L) sought retroactive approval for the porch alterations, including removal and replacement with vinyl/plastic materials.

Staff recommended refusal of the Heritage Alteration Permit application as the work completed was contrary to the policies and guidelines of the *Bishop Hellmuth Heritage Conservation District Plan* and failed to conserve the heritage attributes of the heritage designated property. A link to the staff report can be found following the conclusion of this report. The LACH supported the staff recommendation at its meeting on February 10, 2021 and encouraged further consultation between the Heritage Planner and the property owner. The Heritage Alteration Permit application was refused by Municipal Council at its meeting on March 23, 2021.

2.3 Heritage Alteration Permit (HAP21-039-L)

Since the LACH meeting on February 10, 2021, the Heritage Planner and property owner have discussed potential resolutions to the non-compliance of the porch alterations to the heritage designated property at 330 St James Street.

On May 21, 2021, a new Heritage Alteration Permit application (HAP21-039-L) was received by the City. The property owner has applied for a Heritage Alteration Permit seeking approval for:

- Removal of the current railings and post system (installed without Heritage Alteration Permit approval);
- Installation of a new painted wood railing, affixed to the existing stone plinths, with turned spindles set between top and bottom rails (see Appendix C);
- Retroactive approval for porch alterations:
 - Installation of vinyl porch boards and steps (“Wolf Serenity”);
 - Installation of vertical plastic board porch skirt; and,
- Painting the porch skirt and planting vegetation (e.g. shrubs, plants, and/or small trees) around the porch skirt to minimize visibility.

As the alterations were completed prior to obtaining a Heritage Alteration Permit, the Heritage Alteration Permit application has met a condition for referral requiring

consultation with the London Advisory Committee on Heritage (LACH) and a decision by Municipal Council.

Per Section 42(4) of the *Ontario Heritage Act*, the 90-day timeline for this Heritage Alteration Permit application will expire on August 19, 2021.

In addition to the requirement to obtain a Heritage Alteration Permit, a Building Permit is also required for the alterations to the porch. No Building Permit was obtained.

3.0 Financial Impact/Considerations

None.

4.0 Key Issues and Considerations

In the previous staff report (see link to the previous staff report following the conclusion of this report) three major issues with the current porch alterations were identified: material, style of the railing and spindles, and style of the porch skirt.

4.1 Material

Painted wood is the most appropriate material for porches in the Bishop Hellmuth Heritage Conservation District as it has historic authenticity. The alterations proposed by the property owner in this Heritage Alteration Permit application seek to better comply with the direction of the *Bishop Hellmuth Heritage Conservation District Plan*.

The railings and spindles are one of the most visually prominent features of the porch. The proposed replacement of the current vinyl railing system with a painted wood railing with turned spindles is more appropriate and consistent with the direction of the *Bishop Hellmuth Heritage Conservation District Plan*.

The proposed painting of the vertical boards of the porch skirt is an effort to mitigate its non-compliance. Replacing the current porch skirt with a painted wood material would be more compatible, but painting will minimize the non-compliance. Planting shrubs, plants, and/or trees, particularly coniferous species, will further minimize the non-compliance of this material by obscuring its view from the street.

The existing vinyl (plastic) porch boards and steps are requested to be retained.

4.2 Style of Railing and Spindles

To address the incompatible style of the current railings and spindles, the property owner has submitted a revised drawing showing a more appropriate painted wood railing with turned spindles constructed of painted wood (see Appendix C).

The proposed railing and spindles in this Heritage Alteration Permit application are more consistent with the former railing and spindles of the porch and more compatible with the heritage character of the Bishop Hellmuth Heritage Conservation District (see Appendix C).

The railing is proposed at 28" above the height of the deck, which is higher than the former railing but at the approximate top of the plinths/base of the columns. This is a more appropriate height for the porch railing than the current railing system. The connection of the railing to the plinth/base of the column is much more appropriate than the current freestanding railing system.

4.3 Style of the Porch Skirt

The style of the porch skirt, with vertical boards set in a frame, is unlike the former porch skirt or the style of porch skirt recommended in the *Bishop Hellmuth Heritage Conservation District Plan*. The style of porch skirt, with vertical boards set in a frame, is found on other properties within the Bishop Hellmuth Heritage Conservation District.

Conclusion

This new Heritage Alteration Permit application for the porch of the heritage designated property at 330 St James Street, in the Bishop Hellmuth Heritage Conservation District, seeks to address the most visually apparent issues of non-compliance with the *Bishop Hellmuth Heritage Conservation District Plan*. While short of returning the porch to its former state, the proposed alterations will better conserve the property's heritage attributes in a manner more consistent with the policies and guidelines of the *Bishop Hellmuth Heritage Conservation District Plan* than its current condition. The resolutions proposed in this Heritage Alteration Permit application should be approved with terms and conditions to ensure that the appropriate resolution is achieved.

Painted wood remains the most appropriate and historically authentic material for porches in the Bishop Hellmuth Heritage Conservation District.

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Submitted by: Britt O'Hagan, MCIP RPP, Manager, Community Planning Urban Design and Heritage

Recommended by: Gregg Barrett, AICP, Director, Planning and Development

Appendix A Property Location
Appendix B Images
Appendix C Proposed Porch Railing

Link

Staff report to the London Advisory Committee on Heritage on February 10, 2021 for previous Heritage Alteration Permit application (HAP21-001-L): <https://pub-london.escribemeetings.com/Meeting.aspx?Id=ccb50400-b4f3-41f2-8ad9-39b8e3526ce7&Agenda=Merged&lang=English> (see Item 5.1)

Sources

Corporation of the City of London. *Bishop Hellmuth Heritage Conservation District Plan*. 2003.

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 – Property Location



Location Map

Project Title: HAP21-039-L
Description: 330 St James Street
Created By: Kyle Gonyou
Date: 5/27/2021
Scale: 1:500

Legend

-  Subject Site
-  Parks
-  Assessment Parcels
-  Buildings
-  Address Numbers

Corporation of the City of London



Appendix B – Images



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Image 1: Before (former; bottom) and after (current; top) images, submitted as part of the previous Heritage Alteration Permit application (HAP21-004-L), of the porch on the heritage designated property at 330 St. James Street.

Appendix C – Proposed Porch Railing

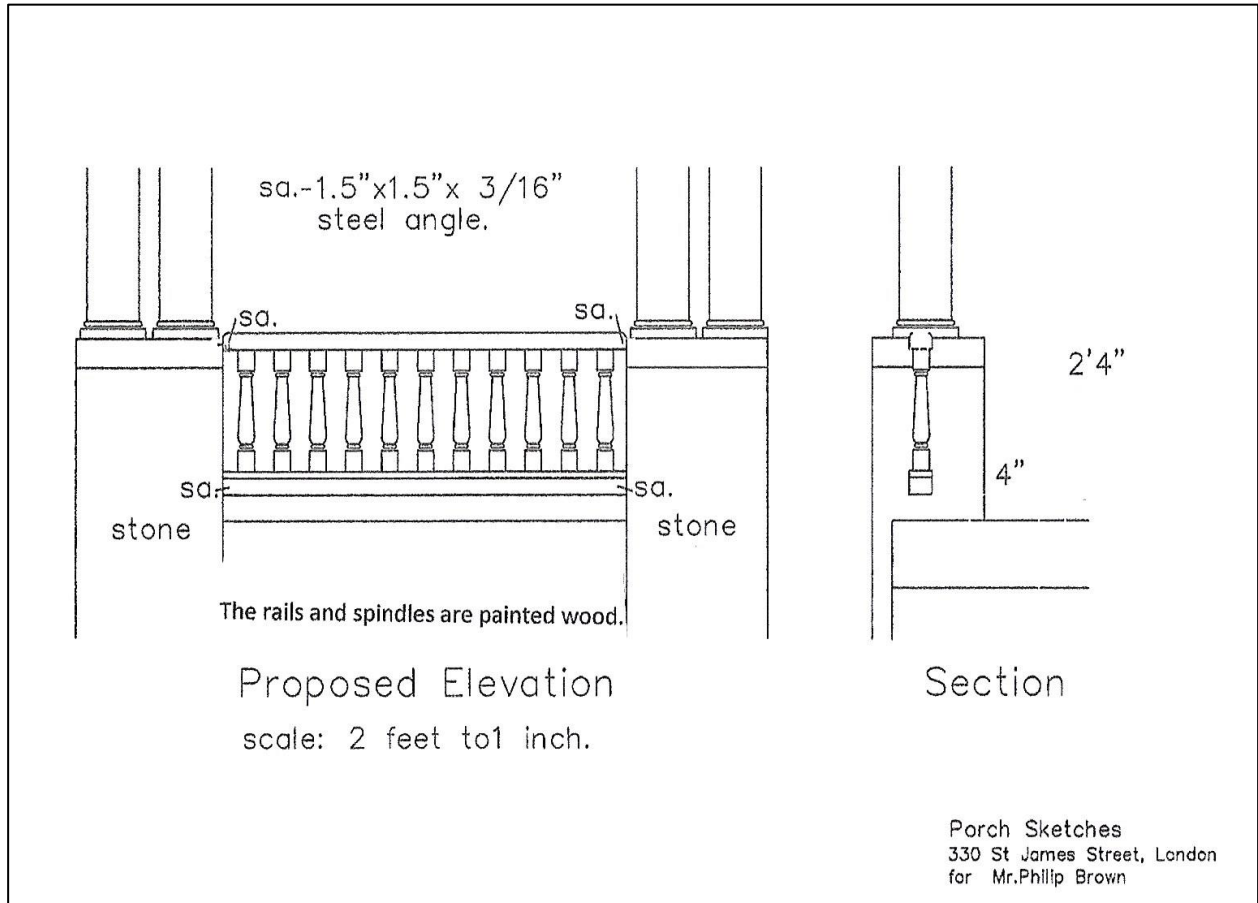


Figure 1: Drawing, submitted as part of this Heritage Alteration Permit application (HAP21-039-L), showing the proposed railing affixed to the existing piers with turned spindles set between top and bottom rails and made of painted wood.