

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 at 330 St James Street,
Bishop Hellmuth Heritage Conservation District, by Philip
Brown
Date: Wednesday February 10, 2021

Recommendation

That, on the recommendation of the Director, City Planning and City Planner, with the advice of the Heritage Planner, the application under Section 42 of the *Ontario Heritage Act* seeking retroactive approval for alterations completed to the heritage designated property located at 330 St James Street, in the Bishop Hellmuth Heritage Conservation District, **BE REFUSED**.

It being noted that the alterations completed without Heritage Alteration Permit approval are contrary to the policies and guidelines of the *Bishop Hellmuth Heritage Conservation District Plan* and fail to conserve the heritage attributes of this heritage designated property.

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. The alterations removed the original wooden elements of the porch, including balustrade, skirting, and decking, and replaced those with poor plastic copies. The alterations do not comply with the policies and guidelines of the *Bishop Hellmuth Heritage Conservation District* and negatively impact the property's cultural heritage value. The Heritage Alteration Permit application seeking retroactive approval should be refused and alterations compliant with the policies and guidelines of the *Bishop Hellmuth Heritage Conservation District Plan* proposed in a subsequent Heritage Alteration Permit application.

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, original 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 three 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 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 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;*

^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."

- *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 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 (see Appendix C) include details: 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 plans 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)

Complaints from the community brought unapproved alterations underway to the property at 330 St James Street to the attention of the City. Following an inspection by the Heritage Planner, a letter regarding the violation of the *Ontario Heritage Act* was sent to the property owner on November 16, 2020 by registered mail.

A Heritage Alteration Permit application was submitted by the property owner and received on December 23, 2020. The property owner has applied for a Heritage Alteration Permit seeking approval for:

- Retroactive approval for porch alterations, removal and replacement, without Heritage Alteration Permit approval:
 - Removal of the painted wood balustrade with painted wood turned spindles, approximately 24” in height;
 - Installation of vinyl “colonial” railings and posts (“Vinyl-Al-Mar Vinyl Products Olympia”);
 - Removal of the painted pressure treated wood deck boards;
 - Installation of vinyl porch board (“Wolf Serenity”);
 - Removal of the painted pressure treated wood steps;
 - Installation of new steps clad in plastic material;
 - Removal of painted wood lattice porch skirt;
 - Installation of vertical plastic vertical board for a porch skirt.

A before and after comparison of the original porch to the replacement elements is included in photograph form in Appendix C, which was submitted as part of the Heritage Alteration Permit application.

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 March 23, 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

Consistently throughout the *Bishop Hellmuth Heritage Conservation District Plan and Guidelines*, the importance of conserving original heritage attributes (features) is

emphasized. When replacement is required, duplication of original elements is the recommended approach to “conserve the original appearance of an historic porch” for materials, features, and finishes. With 80% of the buildings in the Bishop Hellmuth Heritage Conservation District featuring a verandah or porch, there is a high priority on their conservation.

4.1. Material

Throughout the alterations to the heritage designated property that were completed without Heritage Alteration Permit approval, authentic materials were replaced with poor copies. The painted wood porch floor and steps were replaced with a “composite” (plastic) deck board. The painted wood balustrade, with painted wood turned spindles and painted carved rails, were replaced with a “vinyl railing system” (plastic). Plastic materials are inauthentic and not appropriate in the Bishop Hellmuth Heritage Conservation District. The faux wood grain in a plastic (vinyl or composite) material is a poor replica of real, painted wood.

4.2 Style of Railing and Spindles

While low, the original balustrade was affixed to the stone plinths of the porch. The plinths support the columns of the porch, which support the porch’s roof. The railings were well proportioned and suited the heritage character of this property in the Bishop Hellmuth Heritage Conservation District. Heavy, but elegant, turned spindles were set between a carved top and bottom rail to form the balustrade. These details contributed to the Queen Anne Revival architectural qualities of the property and supported its contributions to the heritage character of the Bishop Hellmuth Heritage Conservation District.

The railings that were installed without Heritage Alteration Permit destroy the proportion of the porch. The free-standing nature of the vinyl railing system renders it alien to the historic porch, as the balustrade should be affixed to the stone plinths to maintain the proportions of the original porch. The railings, including their posts, are not appropriate.

In addition to being inappropriately proportioned, the railings and spindles fail to replicate the style of the original balustrade in material, features (details), or finish. The style of the railing and spindles fail to comply with the policies of Section 4.2 of the *Bishop Hellmuth Heritage Conservation District Plan* which seeks replication in keeping with the original where replacement is required.

Should the low height of the original railing been a concern, alternative solutions could have included a secondary railing affixed to the original railing – as discussed in the porch guidelines of the *Bishop Hellmuth Heritage Conservation District Guidelines*.

4.4 Style of Porch Skirt

The original porch skirt, around the base of the porch, was cut with a decorative detail that contributed to the decorated nature of the Queen Anne Revival style of the porch. It was replaced by a plastic material with a fake wood grain. This material and design does not comply with the guidelines for porches in the *Bishop Hellmuth Heritage Conservation District Plan*, which identifies painted wood lattice as a potentially appropriate porch skirting material.

5.4 Appropriate Porch

To resolve the created by the removal of the original porch and its non-compliant replacement, the non-compliant porch materials (railings/balustrade, porch decking, porch skirt, and steps) must be replaced with painted wood details that replicate the original porch. Adequate photographic documentation of the original porch exists to guide such replication (see Appendix C). A Building Permit is also required.

Conclusion

The Heritage Alteration Permit application process is intended to positively influence alterations to heritage designated properties to help ensure that the property’s heritage attributes are conserved for future generations.

The alterations completed to the heritage designated property at 330 St. James Street do not comply with the policies or guidelines for the *Bishop Hellmuth Heritage Conservation District*, which does not comply with the policy of *The London Plan/Official Plan* which upholds the intent and guidelines of the applicable Heritage Conservation District Plan. The use of plastic in the place of a historically appropriate material (e.g. painted wood) compromises the cultural heritage value of this property and its contributions to the heritage character of the Bishop Hellmuth Heritage Conservation District. The alterations that were completed without Heritage Alteration Permit approval have compromised the heritage attributes of this property and should not be permitted. This Heritage Alteration Permit application seeking retroactive approval for the alterations completed to the heritage designated property at 330 St. James Street should be refused.

Prepared by: Kyle Gonyou, CAHP, Heritage Planner

Submitted and Recommended by: Gregg Barrett, AICP, Director, City Planning and City Planner

Appendix A Property Location

Appendix B Images

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.

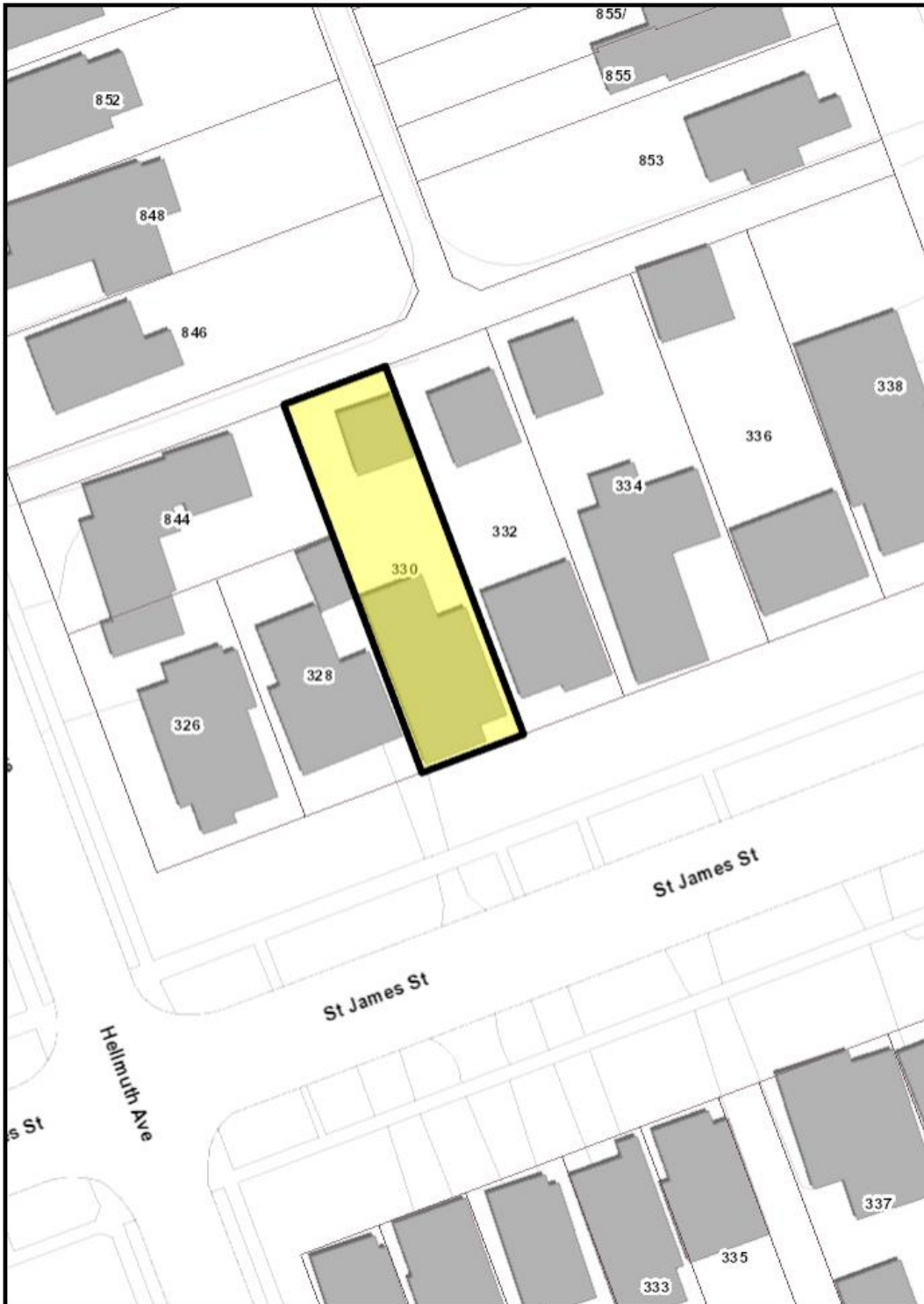
Corporation of the City of London. *2019-2023 Strategic Plan*.

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: HAP21-001-L
Description: 330 St James Street
Created By: Kyle Gonyou
Date: 1/5/2021
Scale: 1:500

Legend

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

Corporation of the City of London



Appendix B – Images



Image 1: Photograph of the subject property at 330 St James Street (May 11, 2017).



Image 2: Photograph of the subject property at 330 St. James Street, on November 16, 2020, with alterations to the porch underway.



Image 3: Photograph of the subject property at 330 St. James Street, on December 3, 2020, showing the alterations completed to the porch.



Image 4: Detail photograph of the porch of the property at 330 St. James Street showing the alterations completed to the porch without Heritage Alteration Permit approval.



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Image 5: Before (bottom) and after (top) images submitted as part of the Heritage Alteration Permit application of the porch on the heritage designated property at 330 St. James Street.

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Image 6: Before (bottom) and after (top) images submitted as part of the Heritage Alteration Permit application of the porch on the heritage designated property at 330 St. James Street.



Image 7: Before (left) and after (right) images submitted as part of the Heritage Alteration Permit application of the porch on the heritage designated property at 330 St. James Street.



Image 8: Before (left) and after (right) images submitted as part of the Heritage Alteration Permit application of the porch on the heritage designated property at 330 St. James Street.

PORCHES

BUILDING CONSERVATION GUIDELINE

Nicholas Hill Architect . Planner



CONSERVATION PRINCIPLES

- Conserve original porches. They are an integral part of the overall architectural appearance of the building.
- When repairing, duplicate the original sizes of column, handrail, skirting and decorative features.
- Avoid closing-in porches. They lose their social value as outside rooms on the street.

Figure 1: Porch Guidelines in the Bishop Hellmuth Heritage Conservation District Guidelines (p.43).

INTRODUCTION

Porches are prominent features on many historic homes. Historically, porches were relatively unknown before the 1800's, but by the mid-1800's they became an essential feature of practical and social use. Practically, they provide shelter to the house entrance and outdoor seating. Socially, they are communal places to sit and converse with family, friends and neighbours. Published in 1850, A. J. Downing's *The Architecture of Country Houses* described the porch as a "pretty little open porch where in the cooler hours of the day the husband, wife and children may sit and enjoy the fresh breath of morning or evening hours . . ." Porches contribute, therefore, both to the architecture of the building and the quality of life of the neighbourhood. However, porches have had an uneven conservation history. Because they are a high maintenance item, they are prone to removal and replacement, often with a structure that bears little resemblance to the original or historic style of the building. In other cases, the decorative brackets, handrails and columns are removed or the whole verandah is closed in, appearing bulky and out of keeping. It is important to avoid such incompatible changes and to conserve the original appearance of an historic porch.

PORCH MAINTENANCE

More than most parts of an historic building, porches are most prone to deterioration by weather, water, insects and ground settlement. They are exposed features, but if periodically checked and maintained will last indefinitely.

Footings	A frequent problem with porches occurs when the front sinks and is pulled away from the house. This is usually caused by water collecting underneath. To avoid this, slope the ground under the porch away from the house. As an added precaution, install a perforated drainage tile 12" outside the perimeter.
Understructure	Ensure good ventilation and treat wood with a water-repellent preservative to protect against mold and mildew.
Floor Slope	Ensure the floor slopes away from the house a minimum of 1/4" rise for each 2' for good surface drainage.
Floor Support	As piers can move over the seasons, ensure the floor structure is resting evenly on the piers. Remedy by inserting wood shim.
Floor Boards	These are prone to extreme weathering and wear, particularly the outer ends above the headerboard. Replace only those boards, or parts thereof, and fit in to match the original. If the entire floor needs replacement, consider Douglas fir, which is the hardest softwood, with a dense close grain.
Floor Joists	Often porches were under-structured, allowing bounce and deterioration of the floor boards and finish. To remedy, insert additional new joists either mid-spaced between, or bolted onto, existing joists.
Skirtings	Being close to the ground, porch skirtings are susceptible to deterioration. Ensure a minimum clearance to the ground of 3". Keep foundation planting back by 3' for breathing and drying the under-structure.

Figure 2: Porch Guidelines in the Bishop Hellmuth Heritage Conservation District Guidelines (p.44).

	Keep foundation planting back by 3' for breathing and drying the under-structure.
Railings	Ensure the top and bottom railings are sloped to drain water off.
Columns	Column bases are highly susceptible to rot due to cracks opening up between the columns and floor, and allowing water to penetrate the open grain of the wood. If rotted, repair only what is deteriorated by splicing in a new section, using a downward sloping miter to prevent moisture trapping.
Matting	A painted wood floor can be slippery, particularly in winter. Consider installing a length of natural sisal matting on the floor and steps.

PORCH REPLACEMENT

When a porch has deteriorated beyond repair, it will require replacement. The following should be considered when designing the new porch.

Style	The porch style should match the architectural style of the building. The four prominent porch styles are: <ul style="list-style-type: none"> • Victorian Gothic - pointed and geometric • Queen Anne - exuberant and multi-angled • Classical - elegant and refined • Craftsman - boxy and hand-crafted
Foundation	It is best to pour concrete foundations in circular card sonar tubes to 48" below grade level. Set the top 2" above grade with a metal stirrup to attach the new wood posts of the porch. In this way, no wood is in contact with the ground.
Floor	Porch floors were typically 7/8" deep, 6" wide, tongue-and-grooved 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 or vertical wood slats.

Figure 3: Porch Guidelines in the Bishop Hellmuth Heritage Conservation District Guidelines (p.45).

Posts	<p>Posts should be carefully selected and designed to suit the architectural style of the building. The four typical post styles are:</p> <ul style="list-style-type: none"> • Solid round turned wood • Solid square wood with applied ornament • Built-up square box columns • Turned hollow columns <p>Redwood or cedar are preferred woods to use for new posts.</p>
Handrail	<p>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.</p>
Spindles	<p>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.</p>
Decorative Features	<p>It is important to match the style and extent of decorative brackets and fascias with the architectural style of the building. The extent and design of the decorative features are very important to the porch appearing right.</p>

Figure 4: Porch Guidelines in the Bishop Hellmuth Heritage Conservation District Guidelines (p.46).