

Report to Planning and Environment Committee

To: Chair and Members
London Advisory Committee on Heritage
From: George Kotsifas, Deputy City Manager, Planning and Economic Development
Subject: Heritage Alteration Permit application by M. & J. DeQuartel at 64 Duchess Avenue, Wortley Village-Old South Heritage Conservation District
Date: November 1, 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 for alterations to the doorway of the heritage designated property at 64 Duchess Avenue, located within the Wortley Village-Old South Heritage Conservation District **BE PERMITTED** as submitted with the following terms and conditions,

- a) The door and doorway be painted;
- b) The proposed alterations to the doorway be completed within six (6) months of Municipal Council's decision on this Heritage Alteration Permit; and,
- c) The Heritage Alteration Permit be displayed in a location visible from the street until the work is completed.

Executive Summary

The property at 64 Duchess Avenue is a significant cultural heritage resource, designated pursuant to Part V of the *Ontario Heritage Act* as part of the Wortley Village-Old South Heritage Conservation District. The property owners undertook alterations to the heritage designated property without obtaining a Heritage Alteration Permit, which resulted in the loss of the rare and significant London Doorway. Staff have worked with the property owners to propose alterations that are more compatible than the alterations that were completed without Heritage Alteration Permit approval. The alterations proposed in this Heritage Alteration Permit should be approved with terms and conditions.

Linkage to the Corporate Strategic Plan

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

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

Analysis

1.0 Background Information

1.1 Location

The property at 64 Duchess Avenue is located at the northwest corner of Duchess Avenue and Edward Street (Appendix A).

1.2 Cultural Heritage Status

The property at 64 Duchess Avenue is included in the Wortley Village-Old South Heritage Conservation District, designated pursuant to Part V of the *Ontario Heritage Act* by By-law No. L.S.P.-3439-321 on June 1, 2015. The property is B-rated by the *Wortley Village-Old South Heritage Conservation District Plan*, meaning that it

contributes to the heritage character of the Wortley Village-Old South Heritage Conservation District.

1.3 Description

The house at 64 Duchess Avenue was constructed circa 1882 for Thomas Westby. The construction of the house at 64 Duchess Avenue was part of the trend of residential development that characterizes the evolution of London South – first established as a Crown reserve for colonial administrators, subdivided into park lots, and further divided into estate sized lots upon which the house at 64 Duchess Avenue was constructed.

The Italianate architectural style is exemplified in the design of the house at 64 Duchess Avenue. The two-and-a-half storey buff brick dwelling has a L-shaped plan, with historic and contemporary additions. A shallow hipped roof is exaggerated by a heavy frieze and bracket course, characteristic of the Italianate style. Other Italianate details include the brickwork details including pilasters and voussoirs, the combination of segmented arch and rounded arch openings, and the overall vertical emphasis of the dwelling's features. The house at 64 Duchess Avenue originally featured a London Doorway, a rare and unique triple arched wood doorway that is only found in the London area.

In about 1940, the house at 64 Duchess Avenue was converted into five apartment units.

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 of the *Provincial Policy Statement* (2020), the *Ontario Heritage Act*, and *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* (2014) 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.”

“Conserved” is defined in the *Provincial Policy Statement* (2020), “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. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment and/or heritage impact assessment that has been approved, accepted or adopted by the relevant planning authority and/or decision-maker. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.”

2.1.2 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*).

2.1.2.1 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.

2.1.3 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.*

2.1.4 Wortley Village-Old South Heritage Conservation District Plan

Doors and penetrations of the exterior walls of a building, like windows, are recognized as heritage attributes by the *Wortley Village-Old South Heritage Conservation District Plan* where they are recognized for their ability "to flaunt the unique qualities and character of each building" (Section 8.2.7).

The policies of Section 5.10.1 of the *Wortley Village-Old South Heritage Conservation District Plan* requires Heritage Alteration Permit approval for major alterations, including replacement of windows. Importantly, the replacement, installation, or removal of storm windows does not require Heritage Alteration Permit approval.

Section 8.2.7, Heritage Attributes – Windows, Doors and Accessories, of the *Wortley Village-Old South Heritage Conservation District Plan* notes,

Doors and windows are necessary elements for any building, but their layout and decorative treatment provides a host of opportunities for the builder to flaunt their unique qualities and character of each building.

Section 8.3.1.1.e, Design Guidelines – Alterations, provides the direction to:

Conserve; retain and restore heritage attributes wherever possible rather than replacing them, particularly for features such as windows, doors, porches and decorative trim.

Section 8.3.1.1.f, Design Guidelines – Alterations, states:

Where replacement of features (e.g. doors, windows, trim) is unavoidable, the replacement components should be of the same style, size, proportions and material wherever possible.

2.2 London Doorway

London Doorways are a rare and unique architectural expression found only in the London region. A London Doorway can be identified by its triple arches: it has arched sidelights that extend above the head of the door jam, with a rounded arch transom that is set in a segmented arch opening. The arches of the sidelights must break the head of the door jam. London Doorways are always single-leaf doorways and always symmetrical. The sidelights may be divided and the transom may feature an oculus or etched glass. London Doorways vary slightly in proportion (height and width but scaled) and often exhibit slightly different carved and applied detailing.

London Doorways are typically found on residential structures built between 1868 and about 1890. This may represent the work or career of one artisan or craftsman, perhaps a wagon maker, cabinet maker, or furniture building. However, further research is required particularly into the method of construction of a London Doorway.

Forty-seven London Doorways were initially identified and included in the 2014 publication *London Doorways: A Study of Triple Arched Doorways* by Julia Beck. Each

doorway was identified, documented with photographs, and presented as part of this important collection.

Since *London Doorways* was published, about twenty additional confirmed and suspected London Doorways have been identified. The subject property at 64 Duchess Avenue was included in *London Doorways* (2014).

2.2.1 Heritage Alteration Permit Application (HAP21-070-L)

A complaint from the community brought the alterations to the heritage designated property at 64 Duchess Avenue to the attention of the City in December 2020. The Heritage Planner investigated and identified alteration to the heritage designated property having been undertaken without first obtaining a Heritage Alteration Permit.

The Heritage Planner sent a letter to the property owners advising of the violation of Section 42(1) of the *Ontario Heritage Act*. The property owners promptly contacted the Heritage Planner, and since that time have worked to identify potential resolutions to the non-compliant alterations undertaken to the heritage designated property at 64 Duchess Avenue.

The London Doorway has been discarded and is not available for salvage or reuse.

On September 13, 2021, a Heritage Alteration Permit application was received by the City seeking approval for the following alterations to the heritage designated property at 64 Duchess Avenue:

- Replace the existing sidelights with same size and shape (rectangular) in frosted glass with no internal muntins.
- Replace the existing door with a solid panel door (no window or lite), with applied panelling detail added.
- Replace the upper cedar-shingled transom with one clear glass arched window.

3.0 Financial Impact/Considerations

None.

4.0 Key Issues and Considerations

It is regrettable that a unique and rare London Doorway was removed from a heritage designated property.

The doorway that was installed on the subject property at 64 Duchess Avenue is not compatible with the heritage character of the property or the Wortley Village-Old South Heritage Conservation District. The oval shape of the light set in reverse ogee arch panelling is not appropriate to the period or architectural style of the building. The brass-coloured muntins and design of the lites or windows in the sidelights and door are also not appropriate to the period or architectural style of the building. The installation of the cedar singles in the place of the transom obscures this important architectural detail of the Italianate building.

To address the compatibility issues, the property owners and Heritage Planner have worked together to propose alterations that better fit the heritage character and architecture of the property.

Initially, replicating the London Doorway was the preferred resolution. Quotes were sought for the replication, however only one quote was obtained and was not feasible to implement.

As replication was not a viable solution, other resolutions were considered. This resulted in the proposed alterations of replacing the sidelights with more appropriate frosted glass (no muntins), replacing the door with a solid door with applied panelling, and reinstating a plain (or frosted) glass transom. The plain glass transom will be templated in place to ensure an appropriate fit of the wood frame to the existing brick opening. While these alterations fall short of replicating the London Doorway and its

unique design, the proposed alterations are more compatible with the heritage character of the subject property and the Wortley Village-Old South Heritage Conservation District than the existing condition. The proposed alterations are more consistent with the direction of Section 8.3.1.1.f of the *Wortley Village-Old South Heritage Conservation District Plan* and better conserve the heritage attributes of the heritage designated property than its existing condition.

To ensure its compatibility, the doorway should have a painted finish. Additionally, to ensure that the doorway issue is resolved in a timely manner, six months are recommended as a condition of the Heritage Alteration Permit approval.

The property owner is encouraged to consider future Heritage Alteration Permit applications to remove the awning over the doorway and to construct a more appropriate porch while maintaining the remaining heritage attributes of the property.

The London Advisory Committee on Heritage (LACH) was consulted at its meeting on October 20, 2021 regarding this Heritage Alteration Permit application in compliance with Section 42(4.1) of the *Ontario Heritage Act* and the Delegated Authority By-law.

Conclusion

The loss of this London Doorway is regrettable. The conservation of London Doorways are very important as this architectural feature is unique to the London area.

The proposed alterations to the heritage designated property at 64 Duchess Avenue are more compatible with the heritage character of the subject property and the Wortley Village-Old South Heritage Conservation District than the existing conditions and should be approved with terms and conditions.

Prepared by: Kyle Gonyou, CAHP
Heritage Planner

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

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

Submitted by: George Kotsifas, P. Eng
Deputy City Manager, Planning and Economic Development

Appendices

Appendix A Property Location
Appendix B Images
Appendix C Proposed Alterations

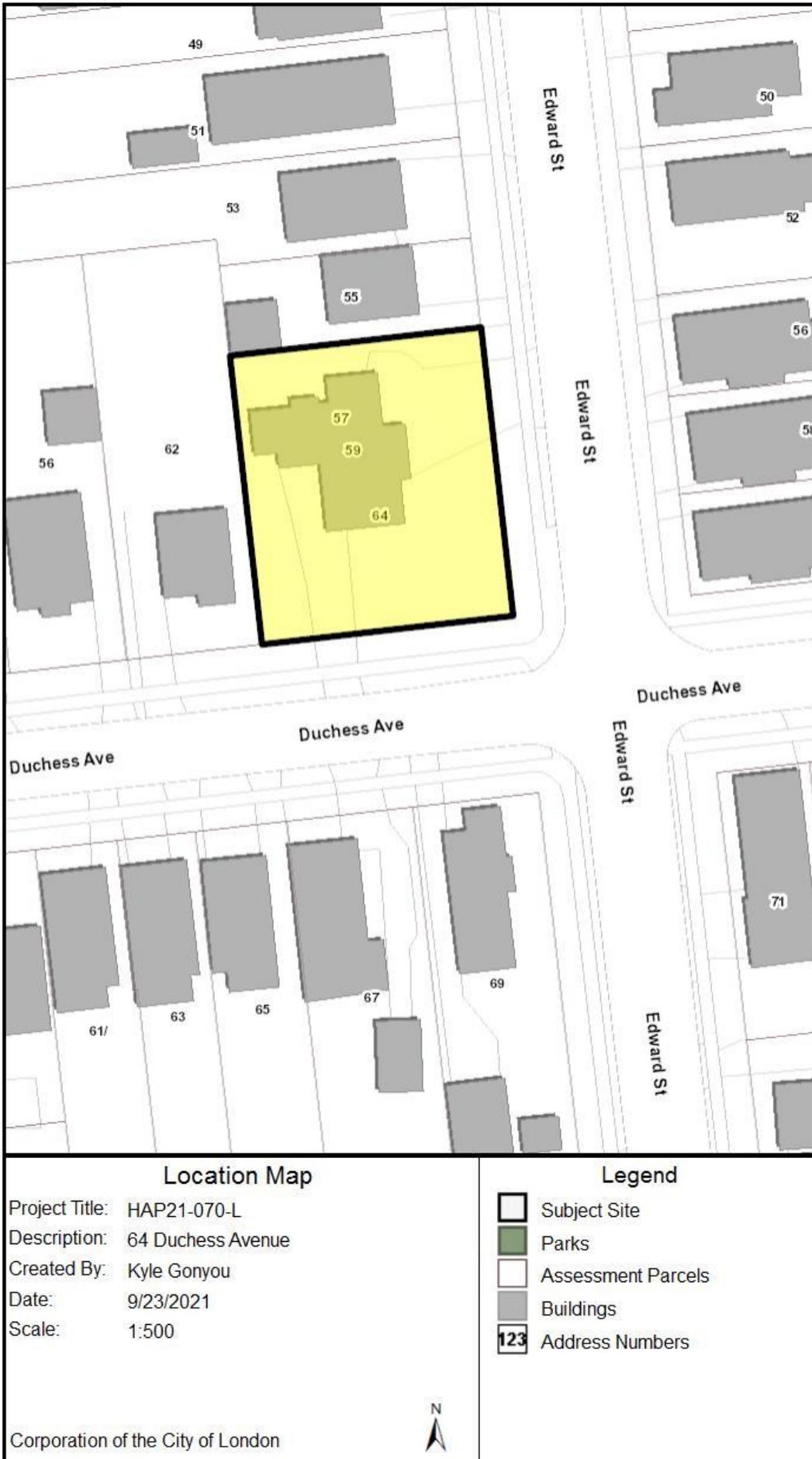
Links

London Doorways – www.londondoorways.ca

Additional Sources

Beck, Julia et al. *London Doorways: A Study of Triple Arched Doorways*. 2014.
Gonyou, Kyle. "London Doorways – Celebrating a Unique Feature of London's Heritage." *Ontario Heritage Act + More*. Posted November 28, 2020.

Appendix A – Property Location



Appendix B – Images



Image 1: Photograph showing the Italianate building on the heritage designated property at 64 Duchess Avenue (October 7, 2016).

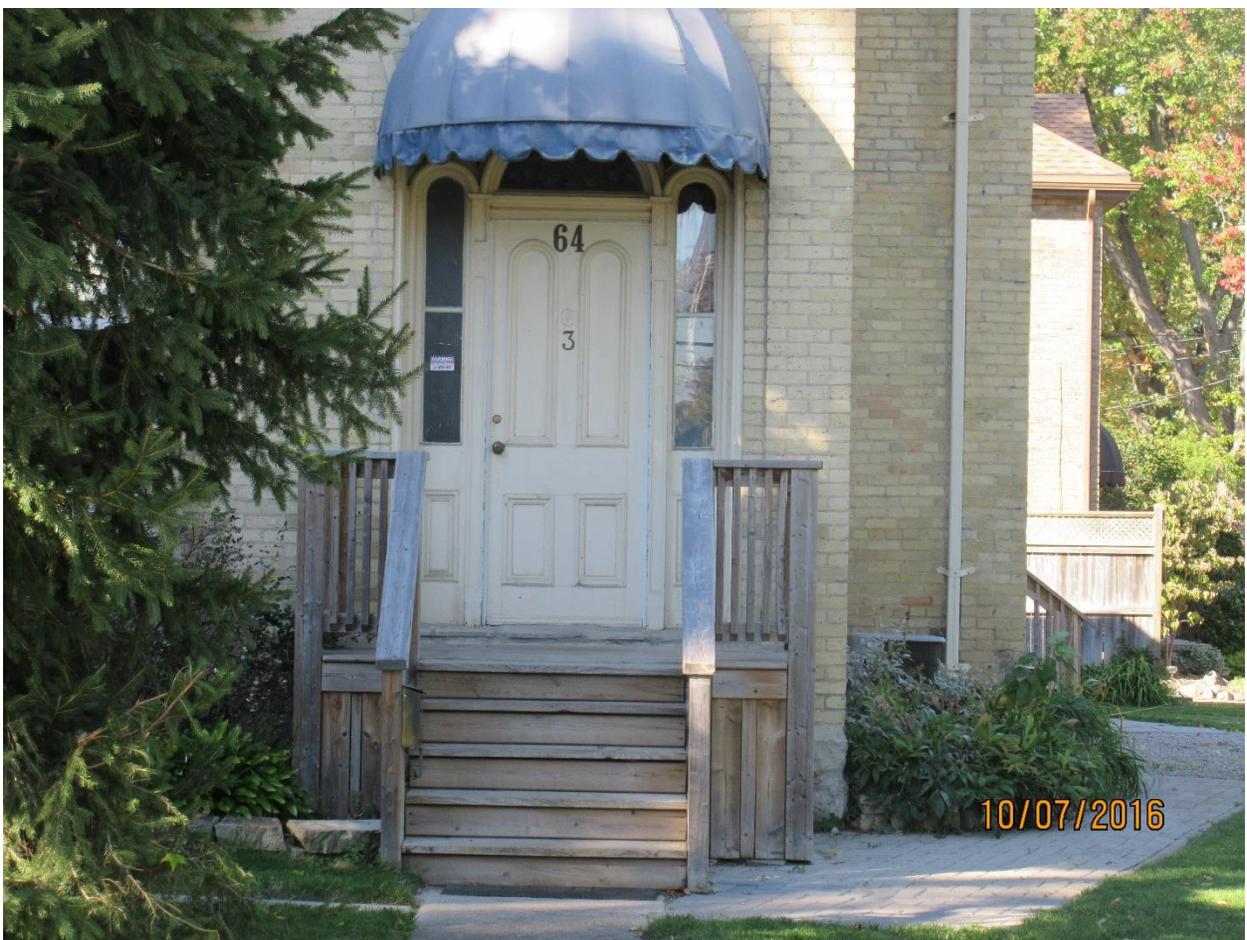


Image 2: Detail photograph of the London Doorway of the Italianate building at 64 Duchess Avenue (October 7, 2016).



Image 3: Photograph of the subject property at 64 Duchess Avenue, seen from the corner of Duchess Avenue and Edward Street, on December 3, 2020.



Image 4: Detail photograph showing the doorway that was installed without Heritage Alteration Permit approval.

Appendix C – Proposed Alterations



Figure 1: Materials for replacement sidelights and replacement door, submitted as part of the Heritage Alteration Permit application.

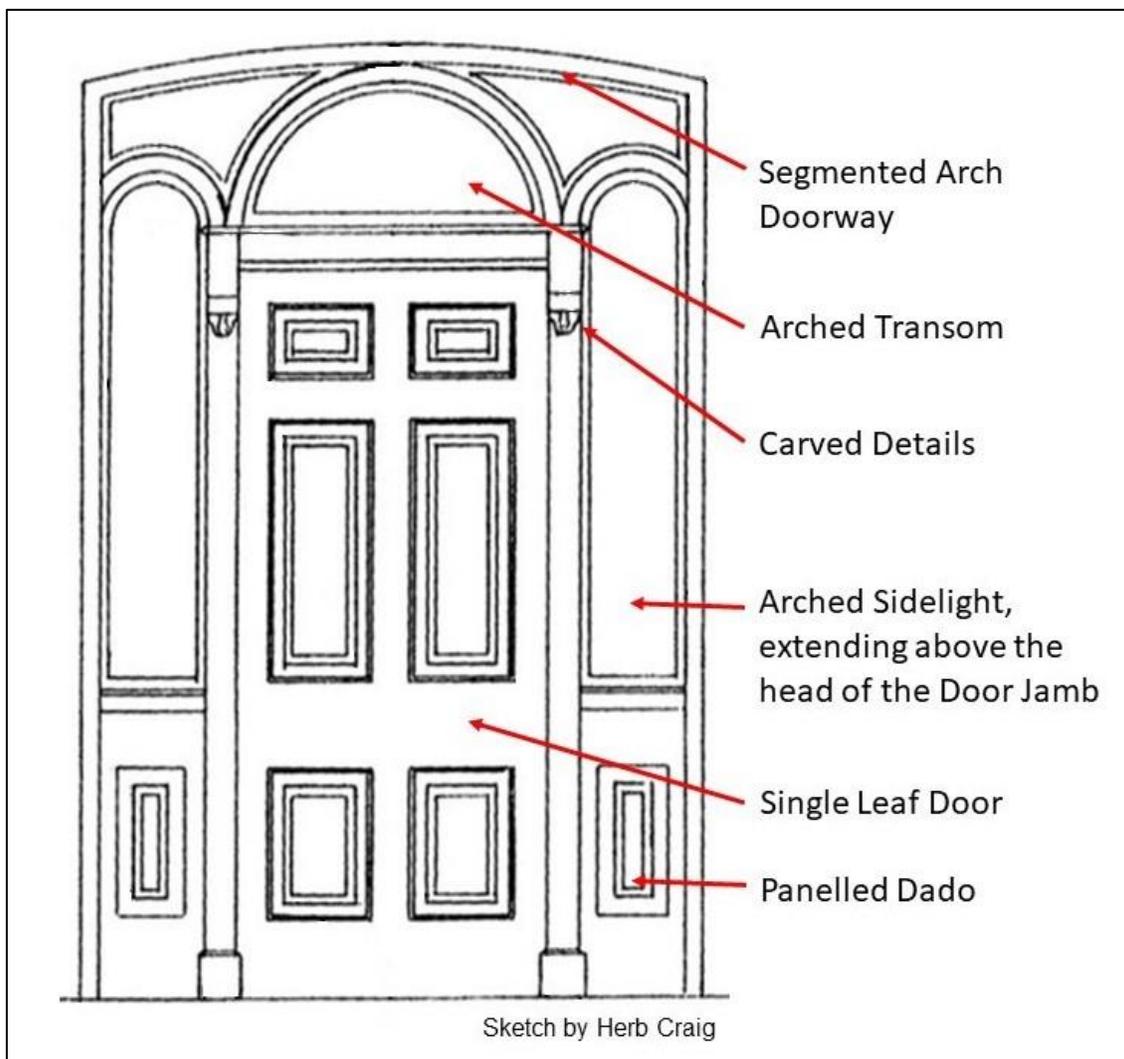


Figure 2: Labeled diagram of a London Doorway, showing typical panelled detailing found on a London Door. Courtesy www.londondoorways.ca.