

Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment Committee

From: Scott Mathers, MPA, P. Eng.,
Deputy City Manager, Planning and Economic Development

Subject: Heritage Alteration Permit application by E. Placzek at 525
Dufferin Avenue, East Woodfield Heritage Conservation
District

Date: Monday May 30, 2022

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 to replace the porch railings/guard on the heritage designated property at 525 Dufferin Avenue, within the East Woodfield Heritage Conservation District, **BE PERMITTED** with the following terms and conditions:

- a) All exposed wood be painted;
- b) The installation of the proposed porch railings/guards be completed within twelve 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 525 Dufferin Avenue is a significant cultural heritage resource, designated as part of the East Woodfield Heritage Conservation District. The porch railings/guards were removed and replaced without Heritage Alteration Permit approval in a manner that does not comply with the policies or guidelines in the *East Woodfield Heritage Conservation District Plan*. The property owner has submitted a Heritage Alteration Permit application to replace the porch's railings/guards with traditional wood railings, which better complies with the policies for alterations in the *East Woodfield Heritage Conservation District Plan* and are compatible with the property's heritage character. The Heritage Alteration Permit application for 525 Dufferin Avenue should be approved with terms and conditions.

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 Location

The property at 525 Dufferin Avenue is located on the south side of Dufferin Avenue between Peter Street and William Street (Appendix A).

1.2 Cultural Heritage Status

The property at 525 Dufferin Avenue 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 house located at 525 Dufferin Avenue was built circa 1910, but could date earlier pending further research, and is identified as a vernacular building. It is a two-and-a-half storey building with an end-gable roof. The building is setback consistently with other historic buildings on the southside of Dufferin Avenue, westerly towards Peter Street, all of which are constructed of buff brick. There is a front porch, which spans the front façade. The building has a gable on the east side as well as an oriel bay window on the upper storey of the west elevation. A stucco-clad or parged addition with a flat roof was constructed on the east side of the building. It now serves as the main entry to the multiple residential units in the converted dwelling. The building has a tall chimney on the east side. The building, including its porch, has a slate roof.

The porch has a shed roof supported by square posts. A gable, with half timbering, is located off-centre on the porch. It is also articulated by additional applied bracket details. Previously, the railings/guards of the porch were painted wood in a traditional style with turned spindles (see Image 2, Appendix B). The railings/guards were replaced with a metal railing, which included a glass-like panel detail (see Image 3, Appendix B).

The building demonstrates a combination of architectural styles that were popular at the time of the building's construction including Romanesque Revival and Arts & Crafts, lending to its identification as a vernacular building. The Romanesque Revival influence can be seen in the heavy, rusticated stone trim detail around the window openings on the front façade. The Arts & Crafts influence can be seen in the half timbering present in the front gable and porch gable. These attributes and elements contribute to the property's heritage character and its contributions to the East Woodfield Heritage Conservation District.

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*, and *The London Plan*.

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 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.

2.1.2.2 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* 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*).

2.1.3 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 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

East Woodfield was designated to recognize and protect its heritage character as a Heritage Conservation District, pursuant to Part V of the *Ontario Heritage Act*, in 1993. The *East Woodfield Heritage Conservation District Plan*, Parts I-IV, provides policies and guidelines to help manage change within its boundaries.

In addition to the goals and objectives supporting the heritage designation of the East Woodfield Heritage Conservation District, Section 1.3 of the *East Woodfield Heritage Conservation District Plan* (Part I) provides principles relevant to the consideration of a Heritage Alteration Permit application:

- *Replacement of architectural features must match the material being replaced in composition, design, texture, colour, size, and level of craftwork.*
- *Historical, physical, or pictorial and documentary evidence shall guide the repair and replacement of missing architectural features of an individual heritage*

building. Guesswork or use of architectural elements borrowed from other buildings should be avoided.

- *Contemporary design of alterations and additions will be permitted where they do not destroy significant historical, architectural, streetscape or cultural features.*

Section 4.2, Part II, *East Woodfield Heritage Conservation District Plan* states, *Generally in any alteration to a heritage property every attempt must be made to ensure that:*

- *Historical building materials and architectural features are protected;*
- *Character defining elevations, especially those that face the street or public spaces, are not radically altered; and,*
- *That replacement of building components or features are unobtrusive and fit visually and functionally with existing features.*

Specifically regarding porches, Policy 3 of Section 4.2.4, Part II, *East Woodfield Heritage Conservation District Plan* states,

The design and construction of a new entrance and/or porch are encouraged to be compatible with the character of the building. Restoration of a missing porch should be based upon historical, pictorial, and physical documentation.

2.2 Heritage Alteration Permit (HAP22-031-L)

A complaint from the community brought the alterations to the railings/guards of the property at 525 Dufferin Avenue to the attention of the City. The railings/guards of the porch had been removed and replaced, as well as the railings/guards on the east steps to the main entry, of the property at 525 Dufferin Avenue.

The property owner subsequently submitted a Heritage Alteration Permit application which was received on May 12, 2022. The property owner has applied for a Heritage Alteration Permit for:

- Retroactive approval for the removal and replacement of the metal railing/guard installed on the east steps;
- Removal of the non-compliant metal railings/guards of the porch; and,
- Installation of new painted wood railings/guards for the porch, with the following details (see Appendix C):
 - Constructed out of wood (pine);
 - Top and bottom railings, with square spindles (1-5/8" square); and,
 - Affixed to the existing wood posts.

As the alterations commenced prior to obtaining Heritage Alteration Permit approval, this application has met the terms and conditions for referral requiring consultation with the Community Advisory Committee on Planning (CACP). The CACP was consulted at its meeting on May 26, 2022.

Per Section 42(4) of the *Ontario Heritage Act*, the 90-day timeline for this Heritage Alteration Permit application will expire on August 10, 2022.

In addition to the requirement to obtain a Heritage Alteration Permit, a Building Permit is required for the replacement of the railings/guards.

3.0 Financial Impact/Considerations

None.

4.0 Key Issues and Considerations

Porches are an important part of the heritage character of the East Woodfield Heritage Conservation District and make significant contributions to its streetscapes.

The porch railings/guards of the heritage designated property at 525 Dufferin Avenue were removed and replaced without obtaining Heritage Alteration Permit approval. The contemporary design of the porch railings, metal with inset glass-like panels, installed

without Heritage Alteration Permit approval have a negative impact on the heritage character of this heritage designated property and are negatively affecting its contributions to the streetscape. The existing porch railings/guards do not conserve the street-facing façade of the heritage designated property at 525 Dufferin Avenue and do not fit the heritage character of the property or streetscape.

To address these issues, the property owner has submitted a Heritage Alteration Permit application proposing to replace the existing railings/guards and reinstate railings/guards that are appropriate for the heritage designated property at 525 Dufferin Avenue. The proposed railings/guards are wooden railings/guards, with wood top and wood bottom railings and square wood spindles set between. The railings/guards will be attached to the existing square wood posts of the porch.

The former porch railings/guards featured turned painted wood spindles, which also appears to be consistent with the previous photograph of the property in 1993 (see Image 1, Appendix B). The Heritage Alteration Permit application proposes the use of square wooden spindles but installed in the same traditional manner between a wood top and bottom railings. Given the Arts & Crafts influences of the property, seen in its other architectural details of the building, square spindles are appropriate and compatible with the property's heritage character.

The porch, including the proposed railings/guards, should be painted to ensure the longevity of the wooden elements, in accordance with Section 3.8, Part II, *East Woodfield Heritage Conservation District Plan*.

The replacement of the metal railings/guards on the east steps with new metal railings/guards is sufficiently compatible with the policies for alterations in the *East Woodfield Heritage Conservation District Plan*.

Conclusion

Porches make a significant contribution to the heritage character of the East Woodfield Heritage Conservation District. Unfortunately, alterations were completed to the porch of the heritage designated property at 525 Dufferin Avenue without Heritage Alteration Permit approval that were not in keeping with its heritage character and negatively affected the property and its streetscape contributions.

To correct the non-compliance, a replacement porch railing/guard, constructed of wood in a traditional style, has been proposed. This better complies with the policies in the *East Woodfield Heritage Conservation District* and is more compatible with the heritage character of the property, supporting its contributions to the East Woodfield Heritage Conservation District and the conservation of this significant cultural heritage resource. The Heritage Alteration Permit application should be approved with terms and conditions.

Prepared by: Kyle Gonyou, RPP, MCIP, CAHP
Heritage Planner

Reviewed by: Jana Kelemen, M.Sc.Arch., MUDS, RPP, MCIP
Manager, Urban Design, and Heritage

Recommended by: Gregg Barrett, AICP
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Submitted by: Scott Mathers, MPA, P. Eng.
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Appendices

Appendix A Property Location

Appendix B Images

Appendix C Heritage Alteration Permit application details

Sources

Corporation of the City of London. *East Woodfield Heritage Conservation District Plan*. 1993.

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

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>.

Property file, 525 Dufferin Avenue.

Appendix A – Property Location

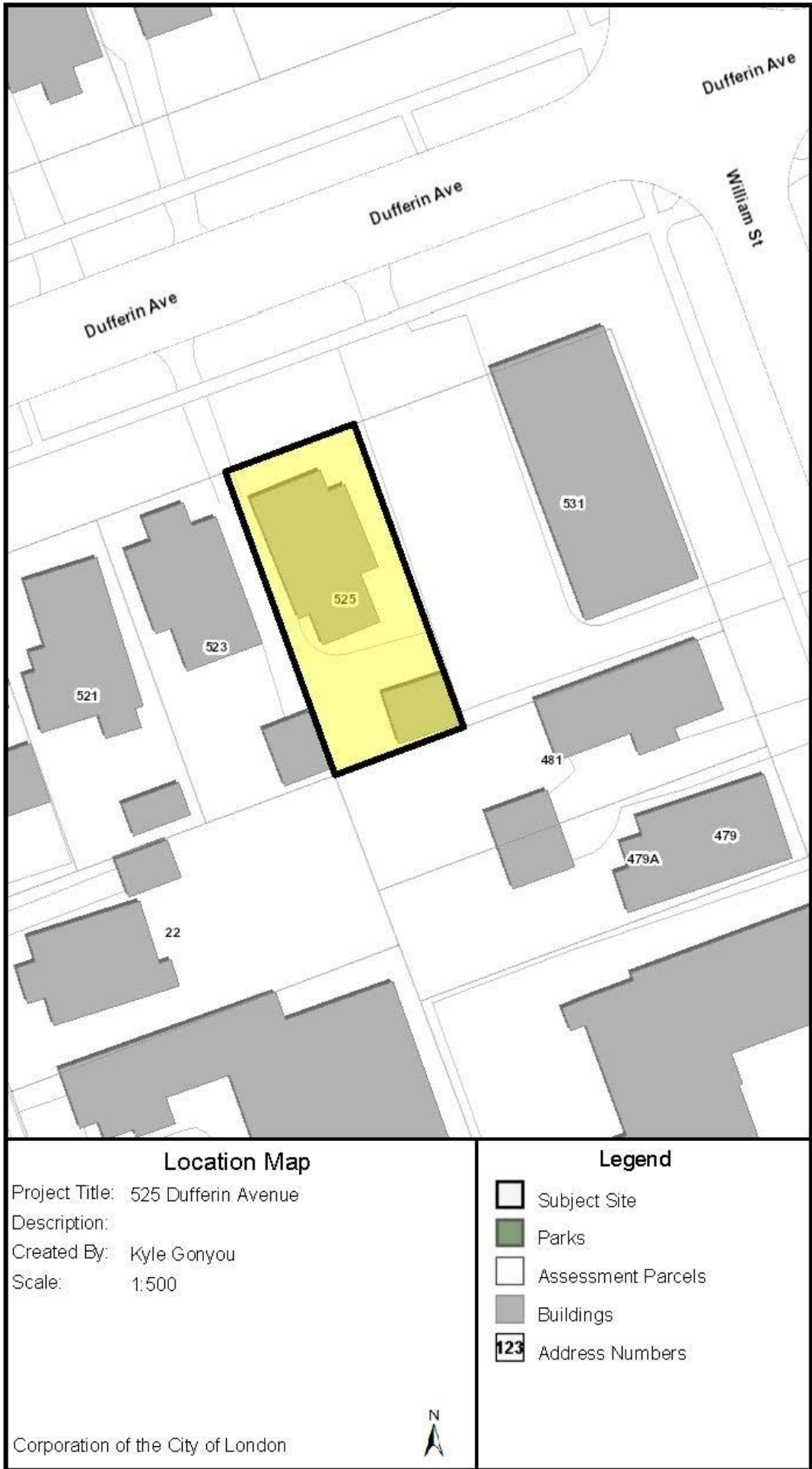


Figure 1: Location map of the subject property at 525 Dufferin Avenue, in the East Woodfield Heritage Conservation District.

Appendix B – Images



525 Dufferin Avenue

Image 1: Photograph of the property at 525 Dufferin Avenue, included in the East Woodfield Heritage Conservation District Study (1993).



Image 2: Photograph of the property at 525 Dufferin Avenue, East Woodfield Heritage Conservation District, on April 15, 2020.



Image 3: Photograph of the property at 525 Dufferin Avenue, on April 6, 2022, showing the changes completed to the railing/guard of the porch.

Appendix C – Heritage Alteration Permit application details



Image 4: Image submitted as part of the Heritage Alteration Permit application showing the proposed wooden railing/guard for the heritage designated property at 525 Dufferin Avenue.