

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 J. Barker for 123
Wilson Avenue, Blackfriars/Petersville Heritage Conservation
District
Date: November 28, 2022

Recommendation

That, on the recommendation of the Acting 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 heritage designated property at 123 Wilson Avenue **BE PERMITTED** as submitted with the following terms and conditions:

- a) The proposed four replacement windows have a simulated divided light to replicate the two-over-two fenestration of the former windows;
- b) The proposed replacement windows be painted wood or clad-wood windows;
- c) Existing trim be used to replicate the painted wood 5" trim, including eared hood as well as windowsills;
- d) All exposed wood be painted;
- e) The Heritage Planner be circulated on the Building Permit drawings to verify compliance;
- f) The proposed alterations be completed within twelve (12) months of Municipal Council's decision on this Heritage Alteration Permit; and,
- g) The Heritage Alteration Permit be displayed in a location visible from the street until the work is underway.

Executive Summary

Alterations were completed to the Contributing Resource at 123 Wilson Avenue, Blackfriars/Petersville Heritage Conservation District, without Heritage Alteration Permit approval. Those alterations removed the rare five-bay design of the front façade and installed windows that are not compatible with the cultural heritage value of the property. The proposed alterations seek to reinstate the five-bay design. However, the proposed design and details will be altered to fit within the structural alterations completed by the property owner. The proposed alterations are sufficiently compliant with the design guidelines of the *Blackfriars/Petersville Heritage Conservation District Plan* and should be permitted 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 Property Location

The property at 123 Wilson Avenue is located on the southeast corner of Wilson Avenue and Carrothers Avenue (Appendix A).

1.2 Cultural Heritage Status

The property at 123 Wilson Avenue is located within the Blackfriars/Petersville Heritage Conservation District, designated pursuant to Part V of the *Ontario Heritage Act* by By-law No. L.S.P.-3437-179, which came into force and effect on May 15, 2015.

The property at 123 Wilson Avenue is identified as a Contributing Resource by the *Blackfriars/Petersville Heritage Conservation District Plan*. This means that the property supports and maintains the cultural heritage value of the Blackfriars/Petersville Heritage Conservation District.

1.3 Description

The house at 123 Wilson Avenue was built circa 1876, which is part of the earliest extant development in the Blackfriars/Petersville Heritage Conservation District area. The house is a rare example of a five-bay Ontario Cottage (Appendix B). The five-bays are expressed in the two windows to each side of the central front door, with a central peak over the doorway. An Ontario Cottage is typically three-bays, with one window to each side of a central front door. Five-bay examples of an Ontario Cottage are rare.

The building had been previously altered, including the installation of vinyl siding and conversion to two dwelling units. These alterations, however, did not alter the legibility of the important five-bay Ontario Cottage type and form.

1.5 Heritage Alteration Permit Application (HAP22-067-L)

In September 2021, the City began to receive complaints from community members that the windows of the building on the heritage designated property at 123 Wilson Avenue were being removed and the window openings altered. The original five bay design was altered, removing the four windows, and installing large trip-partite picture windows in altered openings. Site visits were undertaken by staff from the Building Division and Heritage.

In addition to the requirement for a Heritage Alteration Permit, a Building Permit is also required because of the structural alterations to the window openings.

Following protocol, a letter regarding the non-compliance was sent to the property owners on October 22, 2021. The letter instructed the property owner to cease alteration of the windows. This direction was repeated in email starting on November 2, 2021.

Following compliance action by the City and lengthy correspondence, the property owner submitted a Heritage Alteration Permit application for alterations to the heritage designated property at 123 Wilson Avenue. The Heritage Alteration Permit application seeks approval to:

- Alter the proportions of the former five-bay Ontario Cottage by removing the two non-compliant large modern windows from the west façade and reinstating four windows:
 - Clad-wood windows (wood windows with exterior cladding),
 - Single or double hung,
 - 28" by 60" in size,
 - Wood trim replicating the original painted wood trim (approximately 5" in width, plus eared hood moulding),
 - Wood sills,
 - Simulated divided lights (interior and exterior grilles) to replicate the two-over-two fenestration pattern of the former windows.
- Retroactive approval for the installation of a large window on the south façade and to install painted wood trim around the window opening.
- Finish the exterior cladding with 4" white vinyl siding to match the existing.

The complete Heritage Alteration Permit application was received on September 15, 2022. Per Section 42(4), *Ontario Heritage Act*, a decision to approve, approve with

terms and conditions, or refuse this Heritage Alteration Permit application is required before December 14, 2022.

2.0 Discussion and Considerations

Cultural heritage resources are to be conserved and impacts evaluated as per fundamental policies in the *Provincial Policy Statement* (2020), the *Ontario Heritage Act*, *The London Plan*. More specific, area-based policies and guidelines – part of the *Blackfriars/Petersville Heritage Conservation District Plan* – contain policies establishing intention and specific guidelines that provide direction on how to achieve the conservation of cultural heritage resources, heritage attributes, and character.

2.1 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.”

2.2 Ontario Heritage Act

Section 42(1) 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*).

2.3 The London Plan

The London Plan is the City of London’s Official Plan. The policies of *The London Plan* found in the Key Directions and Cultural Heritage chapter support the conservation of London’s cultural heritage resources.

Policy 61_5 of *The London Plan* states, “Protect what we cherish by recognizing and enhancing our cultural identity, cultural heritage resources, neighbourhood character, and environmental features.”

Policy 594_, *The London Plan*, includes policies relevant to change management within London’s Heritage Conservation Districts:

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.*

2.4 Blackfriars/Petersville Heritage Conservation District Conservation Plan

The Blackfriars/Petersville Heritage Conservation District is recognized for its significant cultural heritage value, not just for its individual cultural heritage resources (Contributing Resources) but for the value that they have together, collectively. The goals of the designation of Blackfriars/Petersville as a Heritage Conservation District pursuant to Part V of the *Ontario Heritage Act* support the conservation of its resources.

As a goal for the Heritage Conservation District:

Goal: To acknowledge, protect, and enhance Blackfriars/Petersville's cultural heritage value and interest including contributing heritage resources such as structure, streetscapes, landmarks and landscape features and understand the valuable contribution they make to the area collectively by:

- *Encouraging the conservation of the area's cultural heritage value and interest through the appropriate practice of restoration, preservation, and rehabilitation processes that will maintain and enhance the value of the area.*
- *Providing guidance on best practice procedures related to the stewardship of heritage conservation.*
- *Understanding that the cultural heritage value of the district is expressed most effectively as a collection of resources that together possess unique qualities and characteristics.*
- *Providing a clear set of guidelines for alterations requiring and not requiring a Heritage Alteration Permit and providing property owners with the necessary information (terminology, checklists, and graphics) to guide them through the application process by which individual property owners will obtain these permits if necessary.*

Specifically, for its cultural heritage resources:

Goal: To encourage the conservation of contributing heritage resources including buildings, landmarks, and other structures that contribute to the cultural heritage value of the district by:

- *Encouraging that alterations, additions, and renovations to heritage resources be consistent with the identified cultural heritage value of the area.*
- *Encouraging the maintenance and retention of significant heritage landmarks identified in the district.*
- *Avoiding unnecessary demolition and inappropriate alterations of identified heritage resources that contribute to the heritage value of the district.*
- *Encouraging sympathetic design and appropriate alterations when new development is proposed to ensure that there is no negative impact on the heritage value of the area, with particular attention to form, scale, massing, and setback.*

To implement this goal and these objectives, the policies of Section 7.4 (Contributing Resources) and the design guidelines of Section 10.2.7 (Design Guidelines – Windows, Doors and Accessories) and Section 10.3.1 (Design Guidelines – Alterations) and Architectural Conservation Guidelines of Section 11 are considered in the evaluation of a Heritage Alteration Permit application.

The policies of Section 7.4.1 of the *Blackfriars/Petersville Heritage Conservation District Plan* require the conservation of a Contributing Resource and the cultural heritage value of the Blackfriars/Petersville Heritage Conservation District. In particular,

Policy 7.4.1.a *The cultural heritage value of the Blackfriars/Petersville Heritage Conservation District shall be conserved;*

Policy 7.4.1.b *Contributing resources shall be conserved;*

Policy 7.4.1.c *Classes of alterations for contributing resources requiring or not requiring a Heritage Alteration Permit shall be identified.*

- Policy 7.4.1.e *Alterations that have the potential to impact heritage attributes of a protected heritage resource shall not be permitted.*
- Policy 7.4.1.i *Major alterations to the exterior façade of a contributing resource shall not be permitted. Such alteration should only be considered where the intent is to conserve the contributing resource.*
- Policy 7.4.1.j *Additions or alterations to contributing resources should be sympathetic, subordinate, distinguishable, and contextual in relation to the existing resource and its context, as well as the heritage attributes and cultural heritage value of the Blackfriars/Petersville Heritage Conservation District.*
- Policy 7.4.1.k *Interventions or alterations for energy efficiency (e.g. solar panels, windows) should be encouraged but shall not compromise, diminish, or negatively impact the heritage attributes of the contributing resource.*

Section 10.2.7, *Blackfriars/Petersville Heritage Conservation District Plan*, highlights the importance of windows and doors, noting, "... much of the character of the 'modest' cottages consists of the additional functional and decorative building features that add to the unique qualities and character of each building."

The direction of Section 10.3.1, Design Guidelines – Alterations, *Blackfriars Petersville Heritage Conservation District Plan*, highlights that alterations to the street-facing façade have "the potential to significantly alter the appearance of the building itself, but the entire streetscape." It further states, "new doors and windows should be of similar, style, orientation and proportion as on the existing building. The use of appropriate reclaimed materials should be considered. New construction should avoid irreversible changes to original construction."

Guidelines regarding doors and windows can be found in Section 11.2.10, *Blackfriars/Petersville Heritage Conservation District Plan*. In its introduction, it states, "retaining the shape, size and proportion of the original doors and windows is an important aspect of preserve the heritage character of the district."

Conservation and maintenance guidelines for windows and doors include,

- *The preservation of original doors and windows is strongly encouraged wherever possible as the frames, glass and decorative details have unique qualities and characteristics that are very difficult to replicate.*
- *Regularly clean and inspect doors, windows and frames for cracks, loose putty or weather stripping, or other signs of damage or deterioration.*
- *Original wood framed doors and windows in most cases can be restored or replaced with new wooden products to match if the original cannot be salvaged but may require a custom-made product. Take particular care that exist visible details are replicated in such elements as the panel moulding and width and layout of the muntin bars between the panes of glass.*
- *If possible, retain parts of the original doors and windows, particularly the original glass. Small differences in the interpretation of these details make a huge difference in the overall appearance of the building.*
- *The replacement of original wood framed windows by vinyl or aluminum clad windows is discouraged. If this is the only reasonable option, the replacement windows should mimic the original windows with respect to style, size and proportion, with a frame that is similar in colour, or can be painted, to match other windows.*
- *If a door or window has a decorative transom must be replaced with new, make every effort to preserve at least the transom on top of the door or window opening.*
- *Original door and window openings on street facing façades should not be blocked up or covered as this can greatly alter the visual character of the dwelling.*

Trim is the important detail that finishes window and door openings, accenting the heritage attributes of Contributing Resources. Conservation and maintenance guidelines for decorative trim and detail, from Section 11.2.14, *Blackfriars/Petersville Heritage Conservation District Plan*, include,

- *Inspect decorative trim and details regularly to identify areas which require repair, repainting, or other maintenance. Keep the paint film on decorative wood components intact. Use a wood preservative, such as copper naphthanate, or zinc naphthanate, brushed liberally onto bare wood and wood joints prior to painting to reduce deterioration from rot.*
- *Avoid covering or otherwise obscuring decorative trim and details with other materials, particularly vinyl and aluminum siding.*
- *Where decorative elements have deteriorated or disappeared, their reconstruction or replacement to complete the original appearance is strongly encouraged.*
- *Preserve and restore as much of the original trim and detailing as possible and use the original as templates for new replacements.*
- *For trim and casings, research the profiles that were available and popular in the location and the period and notice the methods for joining the edges and corners that are different from current construction. Some larger replacement profiles may have to be fabricated from more segments than the original to build up the overall size and projections from the walls.*
- *Avoid the use of mouldings that are standard profiles called 'Victorian' or 'Colonial' available at building supply stores – they are poor substitutes for the delicate profiles of the original. There are speciality moulding suppliers who carry a wider range of stock material and some millwork shops that can cut profiles to order. Consider using contrasting paint to highlight decorative details.*

3.0 Financial Impact/Considerations

None.

4.0 Key Issues and Considerations

The Contributing Resource at 123 Wilson Avenue is valued for defining and maintaining the cultural heritage value of the Blackfriars/Petersville Heritage Conservation District. The Contributing Resource is also valued as a rare example of a five-bay Ontario Cottage that is worthy of conservation.

Alterations that were completed to the Contributing Resource at 123 Wilson Avenue were not respectful of its heritage attributes and contrary to the goals of the designation of the Blackfriars/Petersville area as a Heritage Conservation District. The alterations eliminated the important five-bay design of the main (west) façade and introduced a large tripartite picture window that is not appropriate for this Contributing Resource.

Unfortunately, none of the original material was retained by the property owner. Structural alterations completed to the window openings, to accommodate the large tripartite windows, have complicated the ability to restore the former windows.

When alterations, including window replacement, the design guidelines of Section 10.3.1 and Section 11.2.10, *Blackfriars/Petersville Heritage Conservation District* are used in the evaluation of Heritage Alteration Permit applications. The applicable design guidelines emphasize three important criteria:

- Style,
- Size, and
- Proportion.

While the proposed alterations will return the important five-bay design, the design will be somewhat altered to fit within the structural alterations completed by the property owner without Heritage Alteration Permit approval. It would be preferable to restore the windows to the original details and proportions, however a compromise has been proposed by the property owner.

The four windows on the west façade would be installed within the structural opening of the large picture windows. This will result in smaller, narrower windows (28” by 60” in size) than original (estimated closer to 32” or 34” in width) but designed to accommodate the replicated wood trim (approximately 5” in width plus the hooded ears) in accordance with the design guidelines of Section 11.2.14, *Blackfriars/Petersville Heritage Conservation District Plan*. The proposed replacement windows are the correct style: single or double hung. The proposed replacement windows are generally appropriate proportion in replicating the original two-over-two windows using simulated divided lights (with grilles between the glass panes as well as on the exterior of the glass). Wood is the preferred window material within a Heritage Conservation District, but clad-wood windows may be sufficient.

Four-inch vinyl siding has been proposed to clad the exterior, where exposed, to match the existing siding. Restoring the wood siding that underlies the existing vinyl siding would be preferable.

Provided that trim, matching/replicating the remaining trim of the house, is installed around the new window on the south façade, no significant adverse impacts are anticipated.

Conclusion

The alterations to the important five-bay design of the Ontario Cottage at 123 Wilson Avenue had a negative impact on the cultural heritage value of the property and diminished its contributions to the Blackfriars/Petersville Heritage Conservation District.

Through this Heritage Alteration Permit application, the property owner has proposed alterations to reinstate the five-bay design of this Contributing Resource. This has been presented as a compromise, as the original materials have been discarded and the size of the replacement windows is altered to fit within the new structural opening.

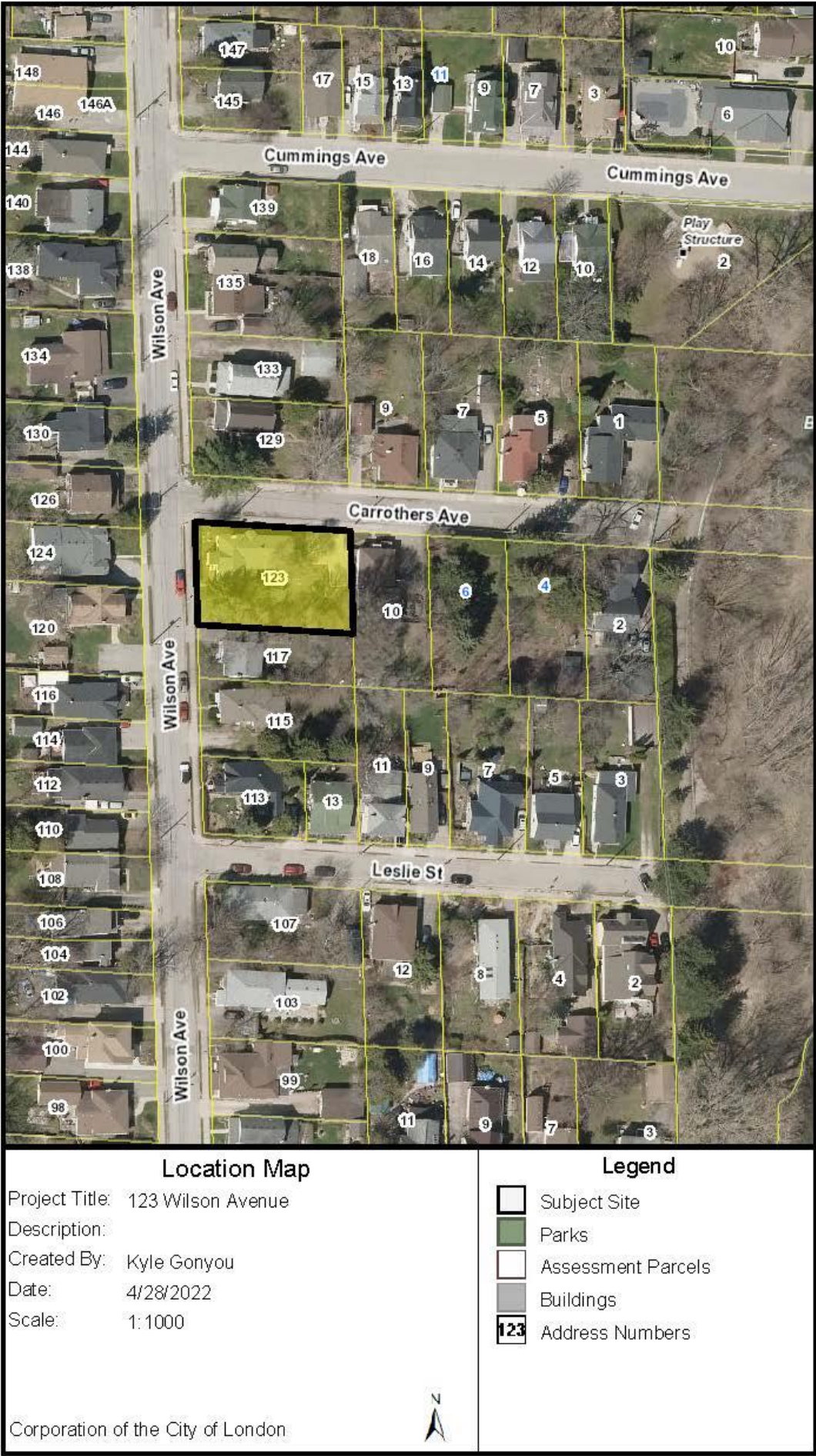
Preservation of the original five-bay design, including its windows, trim, and details, would have been preferable. The proposed alterations are sufficiently compliant with the design guidelines of the *Blackfriars/Petersville Heritage Conservation District Plan* and should be permitted with terms and conditions.

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

Appendix A Location
Appendix B Images
Appendix C Drawings

Selected Sources
City of London. Property File.
City of London. *Blackfriars/Petersville Heritage Conservation District Plan*. 2014.
City of London. *Register of Cultural Heritage Resources*. 2019.
City of London. *The London Plan*. 2022, consolidated.
Ministry of Municipal Affairs and Housing. *Provincial Policy Statement*. 2020.
Ontario Heritage Act. 2019, c. 9. Sched. 11.

Appendix A – Property Location



Appendix B – Images



Image 1: View of the front (west) façade of the Contributing Resource at 123 Wilson Avenue on February 26, 2018.



Image 2: View through the overgrown hedge at 123 Wilson Avenue, showing the alterations to the window openings on west façade.



Image 3: View of the main (west) and south façades of the Contributing Resource at 123 Wilson Avenue on May 5, 2020.



Image 4: View showing the south half of the main façade and south façade of the Contributing Resource on October 21, 2021.

Appendix C – Drawings

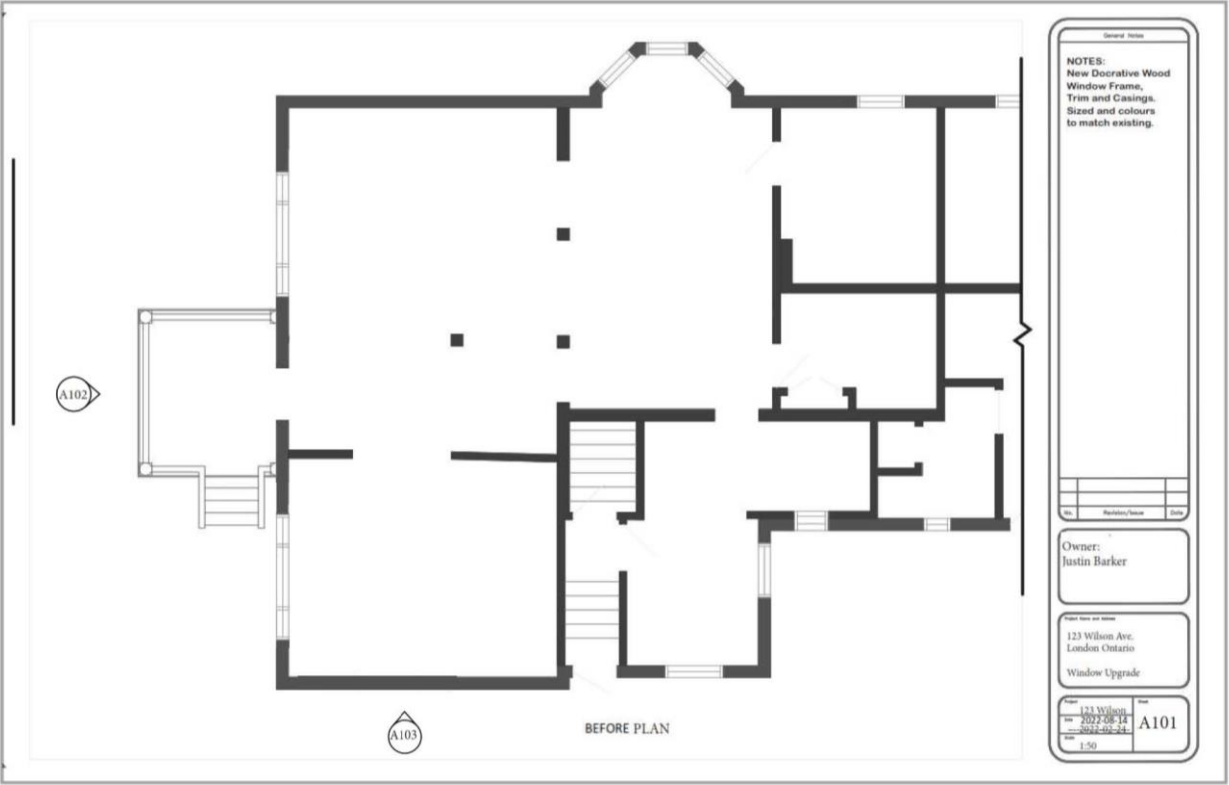


Figure 1: Floor plan drawing, submitted as part of the Heritage Alteration Permit application, showing the existing floorplan with the existing windows. Note: existing large window on the south façade not shown.



Figure 2: West elevation drawing, submitted as part of the Heritage Alteration Permit application, showing the existing condition.

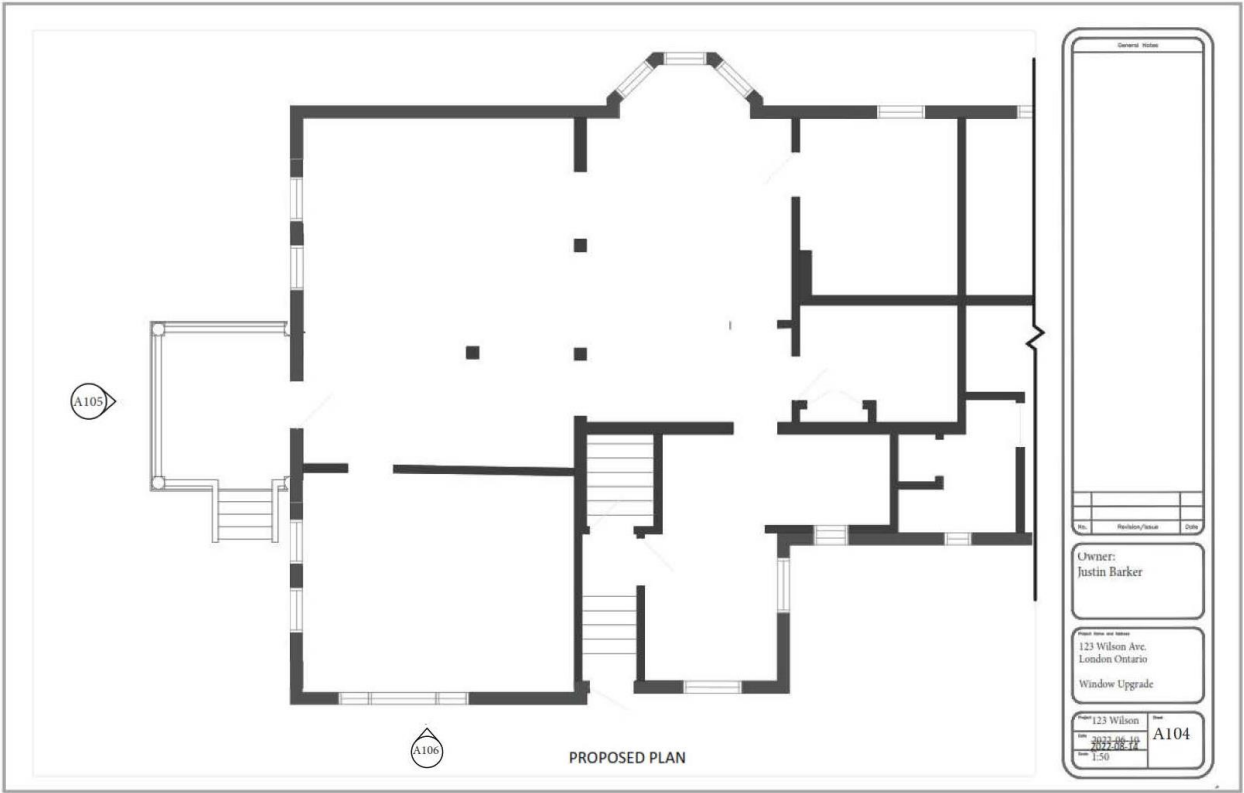


Figure 3: Proposed floor plan, submitted as part of the Heritage Alteration Permit application. Showing the proposed reinstatement of the four windows on the west façade as well as the existing window on the south façade.

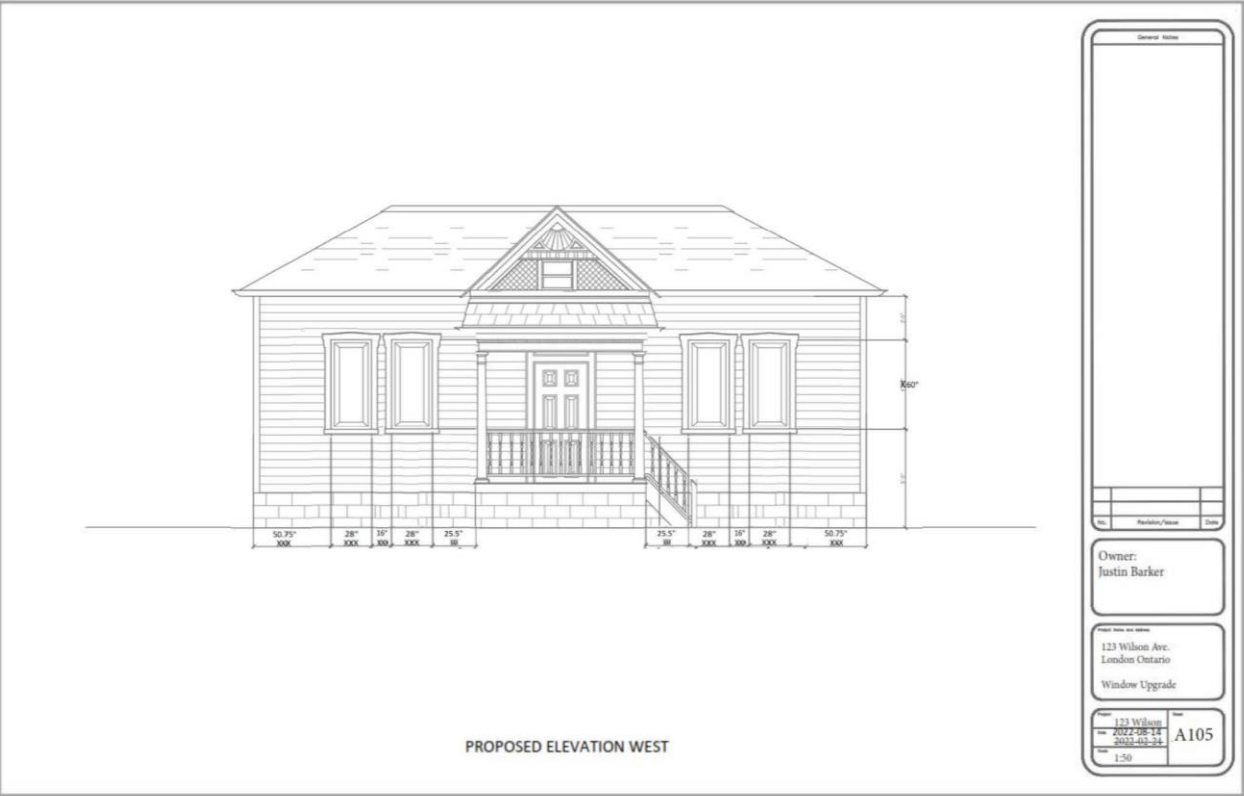


Figure 4: Proposed west elevation drawing, submitted as part of the Heritage Alteration Permit application. Showing the reinstated five-bay design with replicated window trim. Note: the proposed replacement windows must include the two-over-two fenestration pattern of the former windows (not shown on the above drawing).

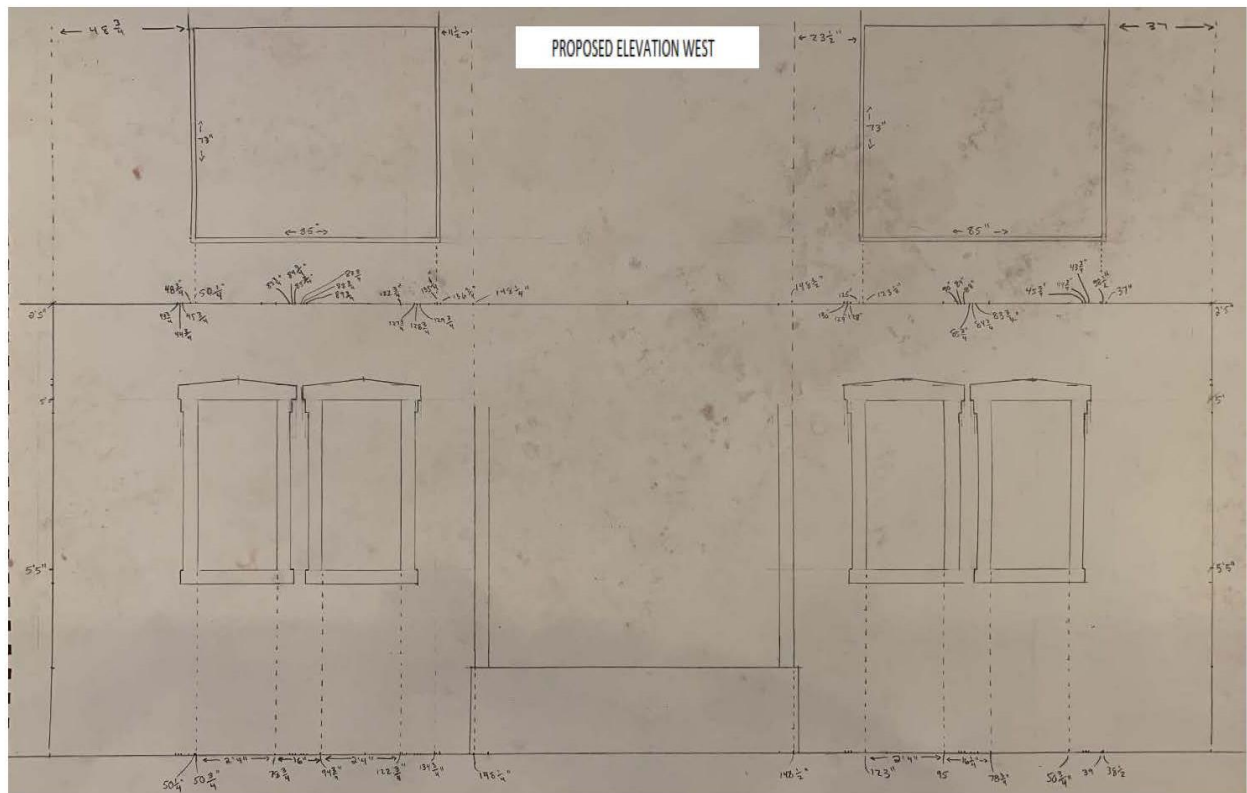


Figure 5: Sketch, submitted as part of the Heritage Alteration Permit application. Showing how the proposed four windows would fit within the structural alterations completed by the property owner. The rough opening of the windows is 28" by 60", with approximately 16" between to accommodate the 5" trim around each window opening. (Note: the proposed replacement windows must include the two-over-two fenestration pattern of the former windows (not shown on the above drawing)).



Figure 6: Proposed south façade drawing, submitted as part of the Heritage Alteration Permit application. Showing the proposed trim around the existing window.