

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 N. Chesterfield for
892 Princess Avenue, Old East Heritage Conservation District

Date: Monday January 9, 2023

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 retroactive approval for the replacement of the original slate roof with asphalt shingles at 892 Princess Avenue, within the Old East Heritage Conservation District, **BE REFUSED**.

Executive Summary

The property at 892 Princess Avenue is a significant cultural heritage resource, and an “A”-ranked property, designated pursuant to Part V of the *Ontario Heritage Act* within the Old East Heritage Conservation District. The applicant has submitted a Heritage Alteration Permit application seeking retroactive approval for the replacement of the dwelling’s slate roof in its entirety with asphalt shingles. The policies and guidelines of the Old East Heritage Conservation District directs that when total replacement of an existing slate roof is required, and slate is not feasible as a new material, that the alternative material be “as visually similar to the original material as possible, with respect to colour, texture and detail.” The recommended action is to refuse the 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 Location

The property at 892 Princess Avenue is located on the north side of Princess Avenue between Ontario Street and Quebec Street (Appendix A).

1.2 Cultural Heritage Status

The property at 892 Princess Avenue is designated pursuant to Part V of the *Ontario Heritage Act*, by By-law No. L.S.P.-3383-111, as part of the Old East Heritage Conservation District. The Old East Heritage Conservation District came into force and effect on September 10, 2006.

The property at 892 Princess Avenue is identified as a “A”-ranked property by the *Old East Heritage Conservation District Conservation Plan*. The *Old East Heritage Conservation District Study* notes that properties were ranked with an “A” ranking (of major significance) if any one or a combination of the following were true:

- The property had been previously recognized by being listed by LACH (now CACP) or designated under the *Ontario Heritage Act*;
- The property was a particularly fine example of an architectural style, whether well restored, aged and weary, or partially concealed by reversible alterations;
- The property exhibited unique qualities or details that made it a landmark;
- The property was a particularly well-maintained example of a modest architectural style; and/or;
- The age of the building contributed to its heritage value, but was not the principal determinant.

1.3 Description

The dwelling on the property at 892 Princess Avenue was constructed around 1900. The residential form building is one-and-a-half storeys in height and the dwelling is constructed of red brick, with elements of the Queen Anne Revival style. The ground floor includes a verandah spanning the front of the dwelling supported by rusticated concrete block plinths, and turned wooden posts. The front gable of the dwelling includes decorative bargeboard and carved wooden details included within the apex of the gable. The dwelling previously had a slate roof that included large scalloped styled slate tiles.

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*.

2.2 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.”

2.3 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.

2.3.1 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.

2.3.2 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*).

2.4 The London 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 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.

2.5 Old East Heritage Conservation District Conservation Plan and Old East Heritage Conservation District Conservation and Design Guidelines

The *Old East Heritage Conservation District Plan* establishes principles, goals and objectives for the heritage conservation district; recommends policies and guidelines pertaining to major architectural, streetscape and land use changes, and outlines the approvals process for heritage work long with other implementation recommendations.

The *Old East Heritage Conservation District Conservation and Design Guidelines* provides residents and property owners with additional guidance regarding appropriate conservation, restoration, alteration and maintenance activities and assist municipal staff and Council in reviewing and making decisions on permit and development applications within the district.

The *Old East Heritage Conservation District Conservation and Design Guidelines* contains policies and guidelines related specifically to roofing, and in particular, the conservation and replacement of slate roofs:

3.3.1 Slate

Slate is a very durable cladding material used for roofing and sometimes vertical walls, particularly as vertical gables at roofs. The material is a shale type sedimentary stone available in a variety of colours and quantities from quarries around the world. The nature of the stone permits cut blocks to be cleft into thin layers approximately ¼ to ½ inch thick to form shingles approximately 10 x 20 inches in size. Good quality slate

roofing properly installed and maintained should last for 50 years or more. A number of dwellings in the Old East Heritage District contain the original slate roofs, giving them a very distinctive character.

Individual slate tiles may break due to age, structural defects or excessive impact. In addition, the fasteners used to join the slate to the building may eventually deteriorate or break, causing the slate to loosen or break away from the roof structure below.

Conservation and Maintenance Guidelines

- *Inspect roofs occasionally to identify any damaged or missing slates. Maintenance and inspection of slate roofing should only be undertaken by skilled trades people who will use suitable equipment for access to the roof to avoid breaking fragile tiles.*
- *Individual slates that are damaged should be replaced with matching slates by a skilled roofer with slate experience.*
- *Major replacement of slate roofs should include photographic recording or original pattern for replication of the design in new slates. New slate roofs should be installed with modern peel and stick ice protection at the eaves, and breathable underlay throughout*
- *If total replacement of a slate roof is required, and new slate is not a feasible option, the new roofing material should be as visually similar to the original material as possible, with respect to colour, texture and detail.*

3.0 Financial Impact/Considerations

None.

4.0 Key Issues and Considerations

4.1. Heritage Alteration Permit application (HAP22-080-L)

The City was contacted in August 2022 by a real estate sales representative inquiring about the heritage status of the property, as well as requirements for Heritage Alteration Permit approval. It was noted by the inquirer that the slate roof had experienced some damage from a recent windstorm, and that partial replacement with slate was anticipated as a result of an insurance claim. City staff followed up to confirm that changes to the property (with a focus on the exterior) may require Heritage Alteration Permit approval.

The City was contacted again in October 2022 by the same real estate sale representative, now representing a new purchaser, prior to the closing of the sale of the property. The new purchases of the property observed that the roof had been replaced in its entirety with asphalt shingles. Re-roofing with different materials is a class of alteration within the Old East Heritage Conservation District that requires Heritage Alteration Permit approval. Approval was not obtained prior to replacement.

Through consultation with the sales representatives for both the new purchaser and the seller of the property, staff identified that when considering replacement of an original slate roof, staff seek information to confirm that repair is not feasible, and that total replacement with matching slate may also not be feasible. When evaluating conservation or replacement options for slate roofs, staff often receive a report or recommendation from a roofing contractor experienced in the installation, maintenance, and/or replacement of slate roofs. It is often demonstrated that as a result of sourcing and installing new slate, replacement with slate can often be cost prohibitive. The recommendation from the experienced roofing contractor is provided to support the Heritage Alteration Permit application.

In the past, once demonstrated to be not feasible, staff would work with applicants to identify suitable replacement alternatives that are consistent with the policies and guidelines of the Old East Heritage Conservation District. Consistent with the relevant policies, the City will consider alternative materials that are “as visually similar to the

original material as possible, with respect to colour, texture and detail.” In previous applications, City staff have supported various Heritage Alteration Permit applications for replacement of slate roofs with alternative materials including metal or composite roofing products that effectively simulate the slate roof appearance.

A complete Heritage Alteration Permit application for the subject property was received on November 1, 2022. The application seeks retroactive approval for the asphalt shingles that were used to replace the entirety of the slate roof. To support the application, a report prepared by the owner’s insurance was included to demonstrate the damage to the slate roof. The report included photographs of the current condition but did not provide comment on repair or replacement requirements. The entirety of the slate was removed and replaced with “Malarkey Polymer Modified Asphalt Shingles”.

The applicant was contacted to inquire about considering alternative materials that could be supported rather than the existing shingles. No response was provided.

The replacement roofing material consists of asphalt shingles smaller in size and different in style from the previously installed slate roof. The asphalt shingles are not consistent with the policies and guidelines of the Old East Heritage Conservation District. The applicant is encouraged to consider roofing materials that are more suitable for slate roof replacement, as recommended within the *Old East Heritage Conservation District Conservation and Design Guidelines*.

4.2 Consultation

The City’s municipal heritage committee – the Community Advisory Committee on Planning (CACP) – was consulted on this Heritage Alteration Permit application at its meeting held on December 13, 2022.

Conclusion

The Heritage Alteration Permit application is seeking retroactive approval for the re-roofing of an original slate roof with asphalt shingles. The retroactive Heritage Alteration Permit does not address the non-compliance and the inconsistency with the existing policies and guidelines included within the Old East Heritage Conservation District Conservation Plan and Old East Heritage Conservation District Conservation and Design Guidelines. The applicant is encouraged to continue consulting with the City to identify an appropriate material that can be supported to replace the asphalt shingles with a material that better reflects the original slate roof. The Heritage Alteration Permit application should not be approved.

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Heritage Planner

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Manager, Urban Design and Heritage

Recommended by: Britt O’Hagan, RPP, MCIP
Acting Director, Planning and Development

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Appendices

Appendix A	Property Location
Appendix B	Images
Appendix C	Supporting Documentation for HAP Application

Appendix A – Property Location



Figure 1: Location of the subject property at 892 Princess Avenue, located within the Old East Heritage Conservation District.

Appendix B – Images



Image 1: Photograph showing the dwelling located at 892 Princess Avenue, showing original slate roof (2016).



Image 2: Photographic detail of slate roof on the dwelling located at 892 Princess Avenue, showing shape, texture, and style of the slate tiles (2016).



Image 3: Photograph showing the dwelling located at 892 Princess Avenue, showing original slate roof (2020).



Image 4: Photograph showing the dwelling located at 892 Princess Avenue (2020).



Image 5: Photograph submitted as a part of the pre-consultation process for the Heritage Alteration Permit application showing the unapproved asphalt shingles.



Image 6: Photograph submitted as a part of the pre-consultation process for the Heritage Alteration Permit application showing the unapproved asphalt shingles.

Appendix C – Supporting Documentation for HAP Application



Image 7: Photograph submitted as a part of an inspection report showing extent of damage to the slate roof.



Image 8: Photograph submitted as a part of an inspection report showing extent of damage to the slate roof.



Image 9: Photograph submitted as a part of an inspection report showing extent of damage to the slate roof.



Image 10: Photograph submitted as a part of an inspection report showing extent of damage to the slate roof.



Image 11: Photograph submitted as a part of an inspection report showing extent of damage to the slate roof.



Image 12: Photograph submitted as a part of an inspection report showing extent of damage to the slate roof.



Image 13: Photograph submitted as a part of an inspection report showing extent of damage to the slate roof.



Image 14: Photograph submitted as a part of an inspection report showing extent of damage to the slate roof.