

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 K. Bell for 54
Duchess Avenue, Wortley Village-Old South Heritage
Conservation District, Ward 11

Date: Monday February 21, 2023

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 construct a new building on the property at 54 Duchess Avenue, within the Wortley Village-Old South Heritage Conservation District, **BE PERMITTED** as described herein and shown in Appendix C, subject to the following terms and conditions:

- a) The Heritage Planner be circulated on the applicant's Building Permit application drawings to verify compliance with this Heritage Alteration Permit prior to issuance of the Building Permit;
- b) The front porch railing to consist of painted wood with spindles set in between a top and bottom rail, if a railing is required;
- c) Simulated divided lights be used to implement the two-over-two fenestration pattern of windows; and,
- d) The Heritage Alteration Permit be displayed in a location visible from the street until the work is completed.

Executive Summary

The property located at 54 Duchess Avenue is a new lot created within the boundaries of the Wortley Village-Old South Heritage Conservation District, designated pursuant to Part V of the *Ontario Heritage Act*. In accordance with Section 42 (2.1) of the *Ontario Heritage Act*, and the classes of alterations identified in the *Wortley Village-Old South Heritage Conservation District Plan and Guidelines*, a Heritage Alteration Permit is required for the construction of a new building. The proposed building is compliant with the policies and guidelines of the *Wortley Village-Old South Heritage Conservation District Plan and Guidelines*. The recommended action is to permit the application 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 54 Duchess Avenue is located on the north side of Duchess Avenue between Wharncliffe Road South and Edward Street (Appendix A).

1.2 Cultural Heritage Status

The property at 54 Duchess Avenue is located within the Wortley Village-Old South Heritage Conservation District, which was designated pursuant to Part V of the *Ontario Heritage Act* by By-law No. L.S.P.-3439-321

1.3 Description

The property at 54 Duchess Avenue is a deep, narrow lot with a frontage of 9.10m (29.86ft), depth of 65.78m (215.81ft) and overall lot area of 6443.16m² (1963.88ft²). The property was severed from the adjacent property at 52 Duchess Avenue (which was formerly known as 54 Duchess Avenue) through a Consent application (B.033-20) in 2020 for the purposes of creating one additional lot for future residential use. The width and depth of the new lot are reasonably consistent with many of the lots on the north and south side of Duchess Avenue within the Wortley Village-Old South Heritage Conservation District.

The adjacent property to the west, known municipally as 52 Duchess Avenue, is a 2-storey buff brick dwelling with Italianate stylistic influences constructed in circa 1894. To the east, the adjacent property includes a 1-storey vernacular cottage constructed in 1949. The properties found elsewhere on Duchess Avenue include a mix of 1, 1 and ½ and 2-storey frame and brick dwellings that represents the heritage character of the Wortley Village-Old South Heritage Conservation District. Stylistically, the properties on Duchess Avenue include a mix of Queen Anne Revival, and Italianate, Craftsman, and vernacular dwellings.

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*.

2.2 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 Wortley Village-Old South Heritage Conservation District Plan and Guidelines

The *Wortley Village-Old South Heritage Conservation District Plan and Guidelines* includes policies and guidelines related to the construction of new buildings within the district. Sections 4.1.1, and 4.4 of the *Wortley Village-Old South Heritage Conservation District Plan and Guidelines* identify policies for the residential area and new development within the residential area. The policies are intended to ensure the conservation of the heritage character of the Wortley Village-Old South Heritage Conservation District.

In addition, Section 8.3.3 of the *Wortley Village-Old South Heritage Conservation District Plan and Guidelines* includes design guidelines related to the design of new buildings within the district.

An analysis of the policies and guidelines for the Heritage Alteration Permit application is contained below in Section 4.1 of this Staff Report.

3.0 Financial Impact/Considerations

None.

4.0 Key Issues and Considerations

4.1. Heritage Alteration Permit application (HAP23-001-L)

The current extent of the subject property at 54 Duchess Avenue was created through a Consent (B.033/20) application to sever the parcel at 52 Duchess Avenue to the west. The purpose of the Consent application was to create an additional lot for residential use. Removal of a number of trees on the new lot was required in order to create a lot suitable for residential use. The Consent was approved in 2020.

In 2022, the newly created property at 54 Duchess Avenue was the subject of a Minor Variance (A.109/22) application to establish side yard setbacks and to permit front yard parking. Heritage Alteration Permit approval was a condition of the approved Minor Variance.

A complete Heritage Alteration Permit application was received by the City on January 12, 2023. The application is seeking approval for the construction of a new 2-storey dwelling on the property at 54 Duchess Avenue, as shown in Appendix C and with the following details:

- Two storey dwelling, approximately 6 metres (20') in height (from grade to roof line);
- Rectangular building footprint, including covered front porch;
- Averaging the difference between the setbacks of the houses on the adjacent properties at 52 Duchess Avenue and 56 Duchess Avenue;
- Hipped roof with projecting front gable clad with asphalt shingles;
- Exterior cladding to consist of "James Hardie" (fiber cement board) horizontal siding;
- Single or double hung vinyl windows;
- Rectangular transom windows over the front and side doors, and pair of first story front windows;
- Craftsman style front and side door;
- Projecting front porch with:
 - Gable roof, clad with asphalt shingles;
 - Gable face to include half-timbering detail;
 - Porch roof supported by painted wood posts extending from porch roof to porch floor.

The 90-day timeline for this Heritage Alteration Permit application legislated under Section 42 of the *Ontario Heritage Act* expires on April 12, 2023.

The analysis of the proposed new building based on a review of the policies and guidelines of the Wortley Village-Old South Heritage Conservation District Plan and Guidelines is included below in Tables 1-3.

Table 1: Analysis of the relevant policies of Section 4.1.1 (Residential Area) of the Wortley Village-Old South Heritage Conservation District Plan and Guidelines for the proposed new building at 54 Duchess Avenue.

Section 4.1.1 (Residential Area) Policies	Analysis
<i>a) Maintain the residential amenity and human scale by ensuring that the low rise, low density residential character remains dominant within and adjacent to the HCD.</i>	The proposed new two-storey single detached dwelling at 54 Duchess Avenue will retain the low scale, low density residential character within the HCD.
<i>b) New land uses that are not in keeping with the character of the residential area and/or may have a negative impact on the residential area are discouraged.</i>	Not applicable. No new land uses are proposed.
<i>c) Higher intensity uses or redevelopment opportunities shall be focused outside of the low rise residential area of the HCD, to areas designated by the City of London</i>	Not applicable. The proposed dwelling will not result in a higher density development. The proposed new dwelling is an appropriate approach to create new

Section 4.1.1 (Residential Area) Policies	Analysis
<i>for higher density redevelopment (i.e. Ridout Street).</i>	housing while respecting the heritage character of the Wortley Village-Old South HCD.
<i>d) Where new uses or intensification is proposed, adaptive reuse of the existing building stock should be considered, wherever feasible.</i>	Not applicable.
<i>e) Severances which would create new lots are strongly discouraged, unless the resulting lots are compatible with width and depth to adjacent lots.</i>	The lot created in the approved consent(B.033/20) application was compatible with the width and depth of adjacent lots. The proposed new building has been designed to be appropriate to the size of the lot.
<i>f) Where existing detached residential buildings are lost due to circumstances such as severe structural instability, fire or other reasons, the setback of replacement building(s) shall be generally consistent with the original building(s).</i>	Not applicable.
<i>g) Parking for new or replacement dwellings is to be located in the driveways at the side of the dwelling or in garages at the rear of the main building, wherever possible. New attached garages at the front of the building are discouraged. Garages shall not extend beyond the main building façade.</i>	A Minor Variance (A.109/22) was obtained to permit front yard parking as a result of the narrow frontage of the property. No attached garage is proposed.

Table 2: Analysis of the relevant policies of Section 4.4 (New Development) of the Wortley Village-Old South Heritage Conservation District Plan and Guidelines for the new building at 54 Duchess Avenue.

Section 4.4 (New Development) Policies	Analysis
<i>a) New buildings shall respect and be compatible with the cultural heritage value or interest of the Wortley Village-Old South HCD, through attention to height, built form, massing, setbacks, building material and other architectural elements such as doors, windows, roof lines and established cornice lines.</i>	The proposed new building has been designed to be compatible with the cultural heritage value or interest of the Wortley Village-Old South Heritage Conservation District. See below for further analysis of the design guidelines.
<i>b) The Architectural Design guidelines provided in Section 8 of this Plan will be used to review and evaluate proposals for new buildings to ensure that new development is compatible with the HCD.</i>	See Table 3 below for analysis of the design guidelines.
<i>c) The purpose of the HCD is to respect both the age and the quality of design of the heritage properties and cultural heritage resources in the HCD. The City may consider exceptional examples of good current architectural design for integration into the cultural heritage fabric of the HCD if the proposed design exhibits sensitively to the massing and scale of adjacent or nearby heritage properties and textures of the streetscape.</i>	The proposed new building has been designed to be compatible with the Wortley Village-Old South Heritage Conservation District, as influenced by the design guidelines. See below for further analysis of the design guidelines.

Section 4.4 (New Development) Policies	Analysis
<i>d) Where a new building replaces a demolished heritage property, the new building will respect or recapture the mass and building presence of the original building and should avoid having a contemporary purpose-built appearance determined only by the new use. The demolition of any building within the HCD shall require a Heritage Alteration Permit.</i>	Not applicable. The proposed new building will not be replacing a demolished heritage property.
<i>e) Evaluation of new buildings adjacent to the Wortley Village-Old South HCD will be required in order to demonstrate that the heritage attributes of the HCD will be conserved, in accordance with the Provincial Policy Statement. A Heritage Impact Assessment may be required.</i>	Not applicable. The proposed new building is included within the Wortley Village-Old South HCD, rather than adjacent to the HCD.
<i>f) A Heritage Impact Assessment, in accordance with the policies of the City of London, will be required for any development proposals within and adjacent to the HCD.</i>	Not applicable. Site Plan Approval was not required for the residential intensification at 54 Duchess Avenue. A Heritage Impact Assessment was not required for the proposed new building at 54 Duchess Avenue.
<i>g) Where zoning permits taller and/or higher density buildings (i.e in the Wortley Village commercial area), studies on shadowing, potential loss of view, increased traffic, noise and parking congestion should be conducted and measures taken to mitigate significant potential impacts.</i>	Not applicable.
<i>h) To encourage the retention and conservation of existing heritage properties that contribute to the cultural heritage value or interest of the Wortley Village-Old South HCD, the City may consider bonusing where an application for a zoning by-law amendment is required, in accordance with the policies of the Official Plan.</i>	Not applicable.

Table 3: Analysis of the relevant guidelines of Section 8.3.3 (New Buildings – Residential) of the Wortley Village-Old South Heritage Conservation District Plan and Guidelines for the new building at 54 Duchess Avenue.

Section 8.3.3 (New Buildings – Residential) Design Guidelines	Analysis
<i>a) Match setback, footprint, size and massing patterns of the area, particularly to the immediately adjacent neighbours. Match façade pattern of street or of “street wall” for solids and voids, particularly ensure the continuity of the street wall where one exists.</i>	The setback, footprint, size, and massing of the new building at 54 Duchess Avenue has been designed to be compatible with the streetscape of Duchess Avenue and the heritage character of the Wortley Village-Old South HCD.
<i>b) Setbacks of new development should be consistent with adjacent buildings. Where setbacks are not generally uniform, the new building should be aligned with the building that is most</i>	The setback of the proposed new building at 54 Duchess Avenue averages the setbacks of the two adjacent dwellings at 52 Duchess Avenue and 56 Duchess

Section 8.3.3 (New Buildings – Residential) Design Guidelines	Analysis
<i>similar to the predominant setbacks on the street.</i>	Avenue to maintain the setback patterns on the street.
<i>c) New buildings and entrances must be oriented to the street and are encouraged to have architectural interest to contribute to the visual appeal of the HCD.</i>	The new building and its entrance have been designed to front onto Duchess Avenue. Design details, including the windows, doors, exterior cladding, and front porch have been intentionally incorporated to be consistent with the HCD and add architectural interest to the building and the HCD.
<i>d) Respond to unique conditions or location, such as corner properties by providing architectural interest and details on both street facing facades.</i>	The proposed new building is not located on a corner.
<i>e) Use roof shapes and major design elements that are contemporary to surrounding properties and their heritage attributes.</i>	The use of a hipped roof with a projecting front gable is consistent and compatible with the surrounding properties and the Wortley Village-Old South Heritage Conservation District.
<i>f) Respond to continuous horizontal patterns along the street such as roof lines, cornice lines, and the alignment of sills and heads of windows and doors.</i>	The proposed new building generally responds to the alignment of roof lines, cornice lines, and the alignment of sills and heads of window and doors. The general consistency in height of the dwelling with the surrounding properties allows these details to respond in a reasonably continuous pattern.
<i>g) Size, shape, proportion, number and placement of windows and doors should reflect common building patterns and styles of other buildings in the immediate area.</i>	The size, shape, proportion, number, and placement of the windows and the doors on the proposed new building have been intentionally designed to be compatible with the dwellings within the immediate area. In particular, the style, size, and proportions of the windows have been appropriately designed to be compatible with the Wortley Village-Old South HCD.
<i>h) Use materials and colours that represent the texture and palette of the Wortley Village-Old South HCD.</i>	The primary exterior cladding material for the new building consists of “James Hardie” (fiber cement board) horizontal siding. This fibre cement board material sufficiently replicates the exterior qualities of exterior wood cladding of many of the heritage properties found within the Wortley Village-Old South Heritage Conservation District.
<i>i) Where appropriate, incorporate in a contemporary way some of the traditional details that are standard elements in the principal facades of properties in the Wortley Village-Old South HCD. Such details as transoms and sidelights at doors and windows, covered entrances, divided light windows and decorative details to articulate plain and flat surfaces, add character that complements the original appearance of the neighbourhood and add value to the individual property.</i>	The proposed new building incorporates various details that are contemporary examples of traditional details often found within the Wortley Village-Old South HCD. The single or double hung window style, size, and proportion combined with the transom windows, Craftsman-inspired door details, and covered porch details all complement the heritage character of the neighbourhood, and support the individual property’s compatibility within the HCD.

Section 8.3.3 (New Buildings – Residential) Design Guidelines	Analysis
<i>j) New buildings should not be any lower in building height than the lowest heritage property on the block or taller than the highest heritage property on the same block.</i>	The height of the proposed new building is consistent with other 2-storey dwellings located on Duchess Avenue. The proposed new building is not the shortest or tallest building on this block of Duchess Avenue.

The proposed building at 54 Duchess Avenue complies with the policies and guidelines of the *Wortley Village-Old South Heritage Conservation District Plan and Guidelines*. Although the proposed new building is clearly a contemporary building, the consistency in setback, size, scale, mass and footprint, combined with the attention to detailing of the exterior cladding, windows, doors, and the front porch allows the new building to compliment the existing heritage character of the area. The proposed building design adheres to heritage principles with no pretence to be a historical imitation, but by using traditional details in a contemporary fashion that is compatible with the heritage character of the Wortley Village-Old South Heritage Conservation District.

Conclusion

The design of the proposed new building at 54 Duchess Avenue, including its setback, footprint, size, massing, finishes, and details is compliant with the goals and objectives, and the policies and guidelines of the Wortley Village-Old South Heritage Conservation District. The proposed new building at 54 Duchess Avenue should be approved, with terms and conditions.

Prepared by: Michael Greguol, CAHP
Heritage Planner

Reviewed by: Kyle Gonyou, RPP, MCIP, CAHP
Manager, Heritage

Recommended by: Heather McNeely, RPP, MCIP
Director, Planning and Development

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

Appendices

Appendix A Property Location
Appendix B Images
Appendix C Drawings

Appendix A – Property Location



Figure 1: Location Map showing the location of subject property at 54 Duchess Avenue, located within the Wortley Village-Old South Heritage Conservation District.

Appendix B – Images



Image 1: Photograph looking north across Duchess Avenue showing the subject property at 54 Duchess Avenue within the Wortley Village-Old South Heritage Conservation District.



Image 2: Photograph showing the subject property at 54 Duchess Avenue.



Image 3: Photograph showing the subject property at 54 Duchess Avenue.



Image 4: Photograph showing the adjacent property at 52 Duchess Avenue, which includes a 2-storey vernacular dwelling with Italianate influences.



Image 5: Photograph showing the adjacent property at 56 Duchess Avenue which includes a vernacular Tudor Revival-inspired dwelling.



Image 6: Photograph showing the properties located at 56 Duchess Avenue and 62 Duchess Avenue, within the Wortley Village-Old South Heritage Conservation District.

Appendix C – Drawings

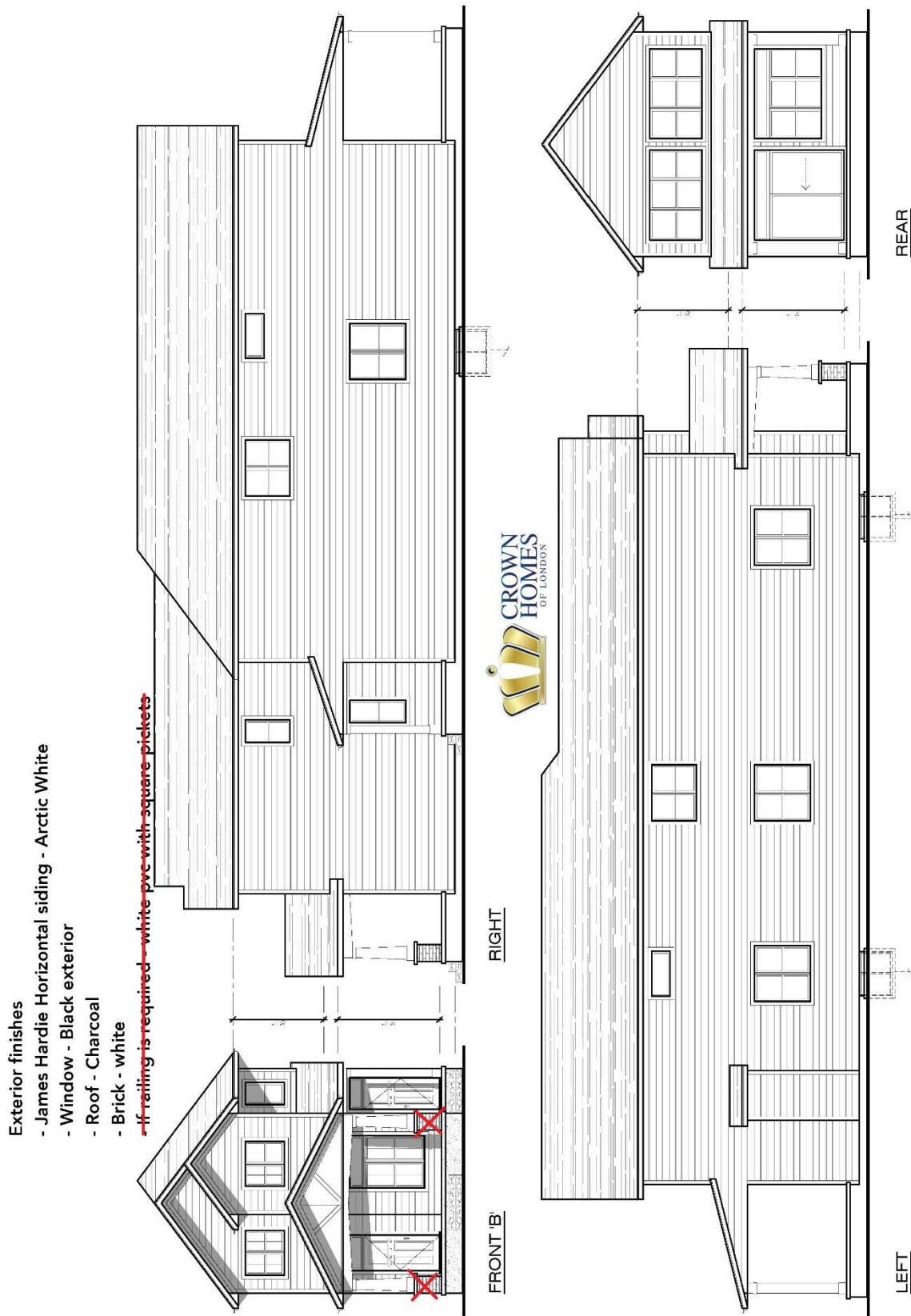


Figure 2: Drawings submitted with the Heritage Alteration Permit application for the property at 54 Duchess Avenue showing the proposed dwelling to be constructed on the property. Note: the final design will include painted wood posts supporting the front porch, constructed to the porch floor rather than brick pedestals. If a railing is required, a traditional painted wood guard will be used.



All floor plans and elevations may be customized to better suit the clients needs. Plans and specifications are an artists rendering and are subject to change without notice. Some features shown may be optional, available at extra costs. All dimensions and square footages are approximate E. & O.E. This plan is the property of Crown Homes of London, any reproduction of this plan, its concepts or ideas are strictly prohibited. © Copyright 2022

Figure 3: Proposed floor plans submitted with the Heritage Alteration Permit application showing the floor plans for the proposed new building to be constructed at 54 Duchess Avenue within the Wortley Village-Old South Heritage Conservation District.

Legend

- ◊ EXISTING FIRE HYDRANT
- EXISTING WATERMAIN
- EXISTING SANITARY MAIN
- EXISTING STORM SEWER
- EXISTING STORM MAINTENANCE HOLE
- EXISTING DATCHMAN
- EXISTING SANITARY TAP
- EXISTING STORM MAINTENANCE HOLE
- EXISTING TRENCH
- EXISTING BUSKES
- EXISTING BUILDING
- EXISTING STREET LIGHT
- SITE BOUNDARY
- REMOVE EXISTING TREE

Revision

By	DATE	REVISION
SK	22.08.18	ISSUED FOR PERMIT APPLICATION
SK	22.08.18	ISSUED



Client/Project
CROWN HOMES OF LONDON
54 DUCHESS AVENUE
London, ON Canada
Title
REMOVALS PLAN

Project No. 3609
Drawing No. 1614-0260
Scale 1:200
Sheet 1 of 3
Revision 0

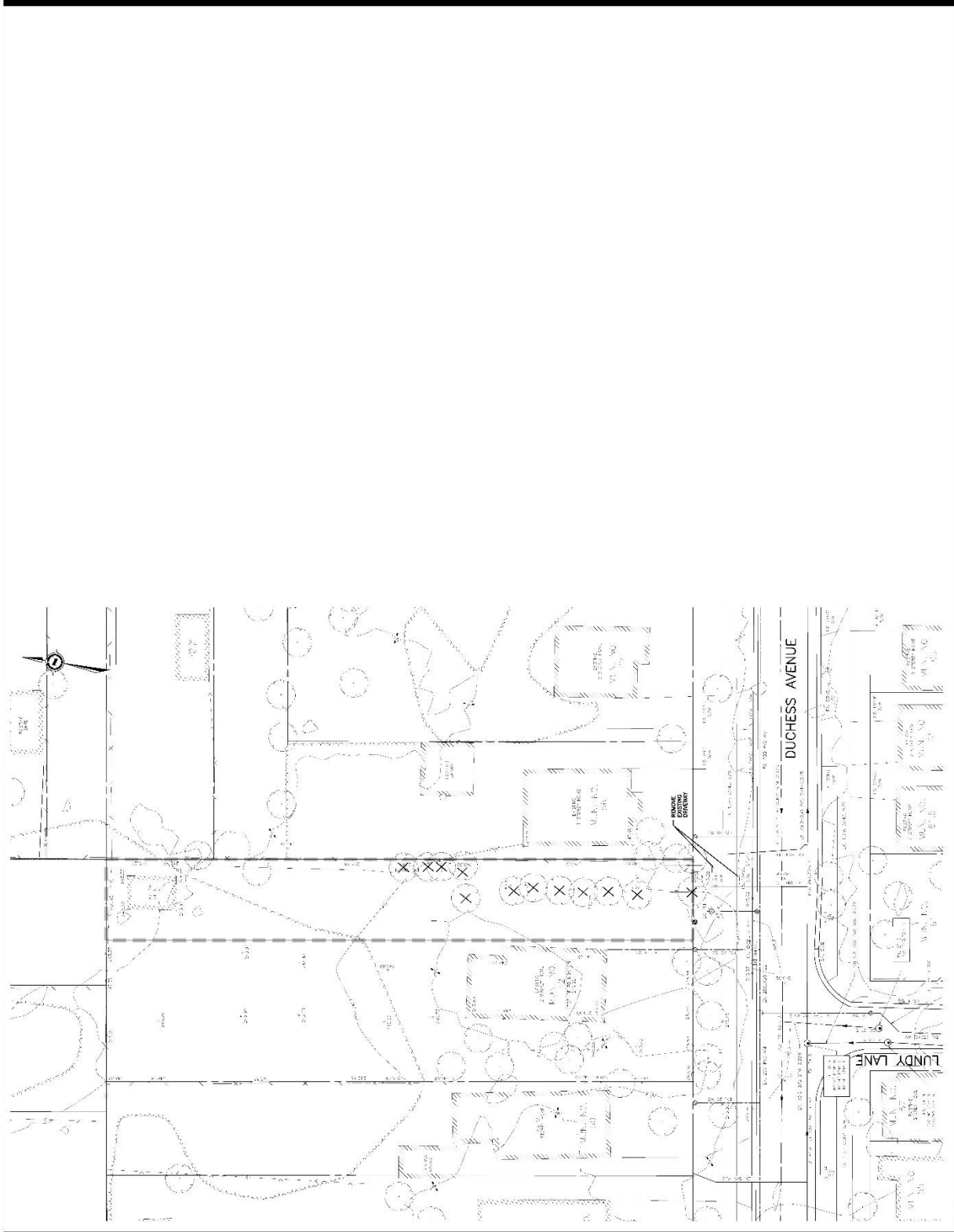


Figure 4: Site Plan submitted with the Heritage Alteration Permit application for 54 Duchess Avenue, showing the tree removals required to accommodate the proposed new building.

