



Conservation  
Review Board

Ministry of  
Culture and  
Communications

**DELIVERED**

April 2, 1992

Mayor Tom C. Gosnell  
and Members of Council,  
City of London,  
300 Dufferin Avenue,  
London, Ontario  
N6A 4L8

Dear Mayor Gosnell and Members of Council:

**Re: Report of the Conservation Review Board  
concerning 329 St. George Street - Thornwood  
- The Becher House**

This is our report to you as required by the Ontario Heritage Act, concerning the proposed designation of the property for its historical and architectural value or interest.

After a series of administrative adjournments on consent, the matter was heard by the Board on October 21 and November 25, 1991. The proposed designation was vigorously contested by representatives of the City and the owner over two hearing days. Only one hearing before this Board has taken longer than two days.

The proposed designation involves two difficult issues: first, the extent of the property that should in the particular circumstances be subject to designation and, second, the extent and nature of the interior alterations that should be controlled by the **reasons for designation**.

The first issue is particularly difficult in this case. We have given the matter careful consideration and are now in a position to report to you.

#### **Appearances**

Mr. James T. Barber appeared for the City of London and Mr. Alan R. Patton appeared for the owner, Mrs. Angela Wood. In addition, the following gave evidence for the

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City; John Lutman, Nancy Zwart Tausky, Lynne DiStefano, Kim Pratt, Mark Gladysz and Bruce Curtis.

The evidence for the owner was given by Mr. Glen E. Wood, spouse of the owner.

**Motion**

At the outset of the hearing Mr. Patton moved that the hearing be adjourned for the following reasons:

- (1) that it was premature for this Board to consider the issue of designation in that the Board's recommendation might pre-judge issues to be considered by the Ontario Municipal Board concerning the official plan designation, zoning, site plan approval and Rental Housing Protection Act;
- (2) that there is a *lis inter partes* as the parties will dispute the elements of designation; and
- (3) Mr. Wood was not available to give evidence or instructions.

Mr. Barber vigorously disputed the adjournment and the Board decided to proceed with the hearing for the following reasons:

- (1) this Board exercises a reporting rather than an adjudicative function and its recommendation to Council in no way pre-empts the jurisdiction of the Ontario Municipal Board;
- (2) the hearing is not to decide a *lis inter partes* but is, rather, an inquiry and each party has a full right to lead evidence and cross-examine; and
- (3) the absence of a potential witness was unfortunate but the date of the hearing had been set for some time; five witnesses, two lawyers and the Board were present and the overwhelming balance of public convenience indicated that the hearing should proceed.

**Historical Significance**

Normally the Board would set out its findings as to the historical significance of a property intended for designation in substantial detail. In this case the historical significance of the property is not in dispute

and there is abundant literature relating to Thornwood and to its designer and first owner, Henry Corry Rowley Becher. It would be superfluous to set out our findings in detail as to do so would merely repeat what has already been written elsewhere.

In summary, the main part of the present Thornwood dates from 1852. Henry Corry Rowley Becher (1817-1885) designed and built the house. He was a prominent and significant figure in the history of London. This was an important property. Its historical significance relates to the nature and use of the house as a country villa. It was a central social meeting place where influential people gathered. It was not a townhouse or city home but was a gentleman's country villa. It is the last of its kind in London. It was a social locale for princes, prime ministers, fathers of confederation and other significant figures.

The fact that it is a country villa has implications on the quantity of land that should be designated, having in mind the heritage significance of the property. It is a fine and indeed the last remaining example of this type of property. It is significant in the heritage of London and, indeed, of the Province. Although it has changed over time, its character as a country villa is still apparent and is retainable in light of the connection of the property to the parkland to the west.

### **Architectural Significance**

The architectural significance of the exterior of the original part of the house is not in dispute. There is some disagreement as to the significance of the later additions to the east and of the coach house. Substantial evidence was brought by experts that the additions and the coach house are indeed significant. The coach house reflects the main house and is located in a picturesque relationship to it. Stringent efforts were made to make the additions consistent in style and sympathetic scale with the original building.

There was no evidence adduced by experts to the contrary.

The evidence related to the principal rooms referred to in the **reasons for designation** is, as well, convincing. Although the original furnishings and decor of the rooms have been dissipated and altered, nevertheless those rooms are substantially intact from an architectural perspective and are significant having in

mind the nature and type of villa that Thornwood represents.

The rooms are, of course, not open to the public but that does not diminish their architectural significance. There are many cases in which the interiors of buildings have been included in the **reasons for designation**. Most cases involve buildings of a public or quasi-public nature where significant architectural attention was given to interiors but it is important in the case of private homes such as Thornwood that reference be made in the **reasons for designation** to significant interior features in order that some protection be provided against a possible thoughtless gutting at some future date of the building leaving it as a shell.

The Board anticipates and expects that Council will display appropriate flexibility in permitting interior alterations that affect the **reasons for designation** but do not affect fundamentally the character of the rooms and their relationships, having in mind that this is a private residence.

The difficult issue relates to how much land should be included in the property to be designated.

Nancy Zwart Tausky testified that the house is unusual in several respects. She said that its architecture emerged from several ideas that were important in 19th century Gothic Revival architecture. The Gothic style was medieval and was resurrected in the 18th century. The Gothic Revival style reflects two fundamental ideas. The first is the significance of the picturesque. The second relates to the importance of functionalism.

An objective of the picturesque approach is to place buildings where they look as though they were in a picture to place buildings into a landscape composition as in a picture. Classical buildings are not picturesque in that sense. They tend to be plunked down wherever it is convenient on the ground. That classical approach is distinguished from the picturesque where buildings are deliberately placed in a natural and organic relationship with the irregular and wild terrain and landscaping. That is a completely different philosophy from lining houses up row-on-row in grid patterns on urban streets.

The land around the building assumes, in this context, a significance as do the views and vistas to and from the building, particularly those to the west and southwest.

Nancy Zwart Tausky indicated that the Gothic Revival style reflected a belief in functionalism. By that she meant that buildings could have irregular and accidental features. They could be designed with flexibility and could be added to. That was different from the classical style where rooms had to be fitted into pre-existing shapes.

Most of what are referred to as Gothic buildings in Ontario are what she referred to as "pseudo-Gothic"; that is, they are buildings that are either symmetrical or ell-shaped. Very few buildings of this period attempt to put into effect what English writers thought was correct about the Gothic Revival style. She said that Thornwood was very carefully situated looking down towards London and close to the edge of the bank, looking over what was then the river to Becher's island. The big bay in the drawing room overlooked the landscape to the west and the other rooms are designed deliberately with the principal views in mind. Thornwood, in its plan and siting, demonstrates the principles of picturesqueness and functionalism and puts them into effect. The house was designed for the site and not for any other site.

She testified that the house shows an unusual sophistication and grasp of what the Gothic Revival style was about, not only in terms of its picturesque location and relationship to the natural landscape but also in functional terms in that the function of the building is a major contributor to its design and its form follows the functions of the building and of the various rooms. The rooms are oriented and related to capture the views and vistas as distinguished from being jammed into a preexisting form. The building has an accidental quality and appears to have grown organically rather than having been dropped down onto the ground. The Gothic Revival style placed a premium on the appearance of irregularity but in fact the design is well balanced.

The owner intends to retain the coach house and the evidence from Lynne DiStefano was that it is important to see the complex as a whole and the coach house is an integral and important part of the heritage complex.

The architectural aspects of the buildings have been set out in the **reasons for designation** and it is unnecessary to repeat the description here. The **reasons for designation** are exceedingly brief with respect to the issue of landscaping and grounds, as compared with

the evidence led at the Board. Mr. Barber advised that the reasons are inadequate in some respects and do not clearly protect certain views to the west and south west of the building.

A major portion of the 2.67 acre site lies to the west and south west of the main house. Nancy Zwart Tausky testified that the historical value of the property justified retaining as much as possible of the property in its original state so as to maintain its milieu. In response to a question by Mr. Patton as to whether she could define a specific envelope around the buildings that should not be built on, she advised that the envelope should be determined by the heritage value of the buildings. She felt that, although it is only in certain areas of the park that a member of the public can get the impression of the property as a country estate, nevertheless when one is on the land itself one does have the impression of a country estate. Lynne DiStefano was not opposed to a certain level of development on the site but felt that it was important to maintain the vista to the south west. She had no problem with infill to the north and north west of the main building but feels that nothing should be built to the south west and that it should be kept open directly to the west.

Kim Pratt testified that one could see the roof from the park and that it was important to keep the vista from the park.

Mark Gladysz advised that although there was no specific reference to the vistas to the south west and south in the **reasons for designation**, the rationale for including the entire remaining landholding was to preserve the remnant of the estate and control vegetation and landscaping.

Glen Wood testified that he and his wife had no problem with designation insofar as it referred to the original part of the house but that he was concerned about designating additional lands until the Ontario Municipal Board has dealt with his applications and appeals.

The Board agrees with Nancy Zwart Tausky that the envelope of area to be preserved in its natural state around the building should be determined by the heritage value of the property rather than by other considerations.

It is clear that the entire remaining Thornwood estate which is the property proposed to be designated, is of historical and architectural value and interest. That value and interest is of greater significance on the tableland than below the edge of the bank but the area of the old driveway up from Grovenor Street is, as well, of substantial significance.

Heritage interests can be protected by a variety of legal mechanisms that include zoning, site plan agreements, heritage easement agreements as well as designations under Parts IV and V of the Ontario Heritage Act. Designation as a heritage conservation district under Part V is not an issue here. Designations of heritage conservation districts protect only buildings and structures and not the spaces between or around buildings and, in particular, do not protect landscapes.

Designation of an individual property under Part IV of the Act places permit control over alterations in the hands of Council. Alterations are defined as changes in any manner. The difficulty from a private owner's point of view is that there is no appeal from a decision of Council denying an alteration permit (unlike the case with the heritage conservation district where denial of an alteration permit can be appealed to the OMB). That raises the question of how much land should be subject to designation under Part IV of the Act; i.e., how much land should be included in the property to be designated.

Subjecting land to designation under Part IV of the Ontario Heritage Act, in this instance, could be considered to be analogous to zoning the land which is privately owned, for open space purposes exclusively without appeal. That may be appropriate in certain instances and with respect to minor amounts of land but in this case there is a substantial amount of land that might or might not otherwise be suitable for development that is proposed to be subject to permit control without appeal by virtue of being included in the property designated under Part IV of the Act. The City does not propose to acquire any part of the land. To prevent the use of a significant area of land for any purpose whatsoever by including it as designated property does not in this instance appear to be in the public interest and may imperil the public interest in preserving the heritage value of the property.

This is a case in which an astute and well-known real estate agent and developer acquired a well-known, indeed

famous heritage property at auction. The owner knew that what was being purchased was no more than one lot and, indeed, a lot that contained a relatively valuable legal non-conforming use for five dwelling units. On the other hand, the property is substantially larger than its neighbours and, without the heritage structures, might reasonably be expected to receive approval for a greater intensity of development. In these circumstances there is an inevitable temptation to demolish the heritage building and the best way to ensure the preservation of the heritage structures, in the absence of a heritage easement agreement, is to ensure that the property has a viable economic use. That inevitably entails a situation whereby what might be an appropriate use of land having in mind all relevant considerations including heritage impact, is not sterilized and frustrated by means of a heritage designation.

Weighing all the considerations, the Board recommends as follows.

#### **Recommendations**

- (1) that property in connection with Thornwood be designated as of historical and architectural value and interest;
- (2) that the **reasons for designation** refer to the buildings as is presently proposed; and
- (3) that the property subject to designation not be the property as presently proposed but be a property of a reduced area as follows:
  - (a) the tableland;
  - (b) that area beyond the tableland within 75 feet of the house;
  - (c) such land as is necessary below the edge of the bank as to provide a vista up the location of the old driveway to the building.

(Original Signed by)

Michael B. Vaughan, Q.C.  
Chairman

Betty Ann Widdrington  
Member