



GOVERNMENT OF BERMUDA
Ministry of Home Affairs

Department of Planning

A Guide to Permitted Development Permits (PDPs)

Planning permission is required for all development of land and the Development and Planning Act 1974 defines “development” as “the carrying out of building, engineering, or other operations in, on, over or under any land, the making of a material change in the use of any building or other land or the demolition or the making of a material alteration to the external appearance of a listed building”. Certain operations and uses of land are defined by the Act as not to constitute “development”, as set out by Section 14.

The General and Planning (General Development) Order 1999 (as amended) (the “GDO”) also defines certain forms of development which is deemed to be approved, in which case a planning application for development (a “DAP1 application”) is not required. This type of development is known as “permitted development” and, in such cases, a Permitted Development Permit (PDP) should be submitted prior to the commencement of any works on site.

A PDP applies only to development that is defined by the GDO and covers both the planning and building permit processes. Once a PDP application is submitted, the planning officer assesses only whether the proposed development falls within the scope of the GDO. A PDP application is not publicly advertised and does not require the formal approval of the Development Applications Board (DAB) or the Director of Planning, therefore the processing time is substantially less than that of a full DAP1 application. The Department aims to process the majority of PDPs within 5 working days.

In order to be approved by planning, a PDP must satisfy all relevant criteria of the GDO and all relevant policies of the Draft Bermuda Plan 2018.

It is important to note that, when reference is made to maximum permitted site coverage, this is not the maximum permitted per application but, rather, is the cumulative total permitted since the property was originally constructed.

The GDO sets out five different classes of development which are **deemed to have planning permission**:

- I. **Development within the curtilage of a residential building** – includes but is not limited to the enlargement or alteration of a residential building, installation of a skylight, enlargement or alteration of an accessory building, swimming pools, construction of hard surfacing, pergolas and barbecues
- II. **Development within the curtilage of a building other than a residential building** – includes but is not limited to the enlargement or alteration of a building other than a residential building, the construction of hard surfacing and the development on industrial land for industrial purposes
- III. **Repairs, maintenance, temporary, sundry or minor works** – includes but is not limited to repairs of damaged buildings, works and plant, excavation works or deposit of fill, maintenance and building repair, temporary building works, plant or machinery, temporary use of land, erection of gates, fences and walls, development related to chimney, flue, soil or vent pipe, satellite receiving dishes and antennae, ramps to provide wheelchair access and the erection of a flagpole
- IV. **Development by statutory undertakers** – development for the provision of public utilities or services, including the sinking of exploratory boreholes
- V. **Solar Energy Collection Systems which are 1,000 square feet or less in area**

The criteria set out by each Class of the GDO is summarised below, **however it is important to note that this summary is not exhaustive.** If you consider that your proposal constitutes “permitted development”, a PDP application should be submitted for the consideration of the Department of Planning and no development should commence until such time that the PDP is granted.

Class I restrictions:

- The height of an addition must not exceed the height of that part of the existing residential building to which it is attached, nor the height of any part of a two storey building
- An addition must be attached to the existing residential building
- Any skylight must not exceed a width or depth of three feet
- Swimming pools must not be located forward of the building line of the principal elevation and must not front onto a road
- Porous materials must be used to construct hard surfacing or the hard surfacing must be designed to direct run-off water to a permeable or porous surface within the lot

- Any excavation or fill required for the construction of hard surfacing, including that required for pergolas, must not exceed 30 inches above grade or four feet in depth

Site coverage and floor area restrictions of this Class are set out as follows:

Class I		
	Detached Houses	Accessory buildings
Maximum additional site coverage permitted	500 square feet	150 square feet
Maximum additional gross floor area permitted	1,000 square feet	250 square feet

Accessory buildings (which include garages, carports and garden sheds) must remain for non-habitable purposes only to qualify for the PDP process otherwise (including if any additional residential unit is proposed) a DAP1 application will be required.

Class II restrictions:

- The site coverage of the existing building (measured externally) must not be exceeded by more than 500 square feet
- The gross floor area of the existing building must not be exceeded by more than 1,000 square feet
- The building as enlarged or altered must be used for the same purposes as the principal building
- Porous materials must be used to construct hard surfacing or the hard surfacing must be designed to direct run-off water to a permeable or porous surface within the lot
- Any excavation or fill required for the construction of hard surfacing must not exceed 30 inches above grade or four feet in depth
- For industrial development, the installation, replacement or rearrangement of plant machinery, sewer main pipe, cable or other apparatus is permitted if:
 - the works do not materially affect the external appearance of the premises when viewed from a public road;
 - the apparatus does not generate air or noise pollution, odours, vibrations, or obstruct the flow of vehicular traffic; and
 - the apparatus does not exceed the height of any existing apparatus

Class III Restrictions:

- The building, restoration or replacement of buildings, works, or plant which have suffered damage is permitted if no more than 60% of the volume of the said building, works or plant has been destroyed by such damage

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General Enquires: (441) 297-7756 Development Management: (441) 297-7810 Building Control: (441) 297-7755

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- No part of the grade of a site can be decreased or increased by more than 4 feet
- Gates, walls and fences, including retaining walls, must not exceed 4 feet in height and must be located entirely within the lot line
- For repairs to listed buildings:
 - any replacement door, door-frame, window-frame or shutter must be made of wood and be the same size and design as the original;
 - any replacement window or door must use the same opening as the original; and
 - any replacement roof must be of the same material as the original
- The temporary use of land and any associated moveable structures are limited to no more than 28 days in total in any twelve month period
- A flagpole must not exceed 30 feet in height and must not to be used for advertising purposes

Class IV restrictions:

- The site coverage of the existing building (measured externally) must not be exceeded by more than 500 square feet
- The gross floor area of the existing building must not be exceeded by more than 1,000 square feet
- The height of an addition must not exceed the height of that part of the existing residential building to which it is attached, nor the height of any part of a two storey building
- An addition must not project forward on an existing front building line
- Porous materials must be used to construct hard surfacing or the hard surfacing must be designed to direct run-off water to a permeable or porous surface within the lot
- Any excavation or fill required for the construction of hard surfacing must not exceed 30 inches above grade or four feet in depth

Class V restrictions:

- No roof-mounted panel may:
 - project more than ten inches from the surface of a pitched roof or 48 inches from the surface of a flat roof;
 - be within four inches of the hip of the roof or six inches of the edge of a gable or flat roof;
 - project higher than, or be located within, four inches of the ridge of the roof;
 - impede or prevent the harvesting of rainwater;
 - be located within a setback to a road; or

- be installed on a pergola which is located within any setback
- No ground-mounted panel may exceed 48 inches in height or be located within any setback

General Requirements

Development should

- ✓ Comply with the Draft Bermuda Plan 2018 Planning Statement regarding setbacks, site coverage, hard surfacing, building heights, etc.
- ✓ Be similar to the principle building with regards to style, exterior colour and exterior building materials
- ✓ Be stamped by the Corporation of Hamilton / St. George if the proposal would result in changes to elevations associated with buildings within the City of Hamilton / Town of St. George, as appropriate
- ✓ Be approved by the St. George's Preservation Authority, where necessary

Development should not

- ✗ Encroach beyond the existing building line at the front of the original building if a setback is not specified in the Draft Bermuda Plan 2018
- ✗ Obstruct sight lines at an entrance onto a private or public road
- ✗ result in a reduction of space (to less than the minimum required) allocated for private outdoor space, communal open space and/or parking, turning or circulation of vehicles
- ✗ Exceed the maximum height of the original building or, for residential development, 2 storeys in height
- ✗ Exceed a height of 12 feet from grade to eaves for any residential accessory building

How do I apply for a PDP?

The following information is required:

1. Completed PDP application form (found on the Department of Planning's website)
2. Location plan
3. Site plan, detailing and clearly differentiating all existing and proposed development
4. Depending on site condition and the distance of the proposal from a setback, a partial survey / topographical survey may be required
5. Existing and proposed floor plans
6. Existing and proposed elevations

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Other information may be requested at the discretion of technical officers.

Depending on the complexity and size of the proposed development, you may wish to hire a qualified professional, however this is not always necessary.

All applications should be submitted by email to planningfrontdesk@gov.bm.

Next Steps

If your project falls under the requirements of the GDO and meets all of the technical requirements, then a PDP application must be submitted and approved prior to commencing the project.

The Development Management planning officer will authorize the PDP to be approved in conjunction with the Plans Examiner of the Building Control Section and an Environmental Health officer of the Department of Health for building and health code compliance respectively. The Building Control section will then issue the permit on behalf of the Director of Planning. PDP approval lasts for 5 years from the date of their issuance.